

# Notable British Trials

James Camb

# Notable British Trials Series

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TRIAL OF  
JAMES CAMB

*(The Port-hole Murder)*

3099

EDITED BY

GEOFFREY CLARK,

Barrister-at-Law



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To  
G. D. Roberts, K.C.,  
*this volume is by kind  
permission gratefully inscribed*

## PREFACE

IN the presentation of this volume I am indebted to Sir Theobald Mathew, K.B.E., M.C., the Director of Public Prosecutions, for placing at my disposal the official shorthand transcript of the proceedings and the Exhibits used in evidence at the trial. My thanks are due to Sir Malcolm Hilbery, the presiding judge, for consenting to read over his charge to the jury, and to Mr. G. D. Roberts, K.C., and Mr. J. D. Casswell, K.C., for doing likewise with regard to their speeches. Dr. Hocking and Dr. Teare rendered valuable assistance by correcting the transcript of the medical evidence they gave in Court, whilst I gratefully acknowledge the help given to me by Mr. E. G. Robey, Senior Legal Assistant to the Director of Public Prosecutions.

GEOFFREY CLARK.

LONDON, 1949.

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## INTRODUCTION.

ON the 10th October, 1947, the Union Castle liner *Durban Castle* set sail from Cape Town, homeward bound for Southampton. She was almost an empty ship.

Among the passengers was Eileen (Gay) Gibson, returning to England after a seven months' stay in South Africa, during which she had gained considerable success in broadcasting and on the stage. There were few young people of her own age on board, and she spent a good deal of her time with a Mr. Hopwood, an official of the Union Castle Line, and a Wing-Commander Bray. Both of them were considerably older than she was, but the three of them seemed to have been friendly from the start, and dined together nearly every evening. Miss Gibson seemed disinclined to take any very active part in the social life of the ship, contenting herself with walks round the deck with the two men.

She was quiet, but friendly and easy to get on with. She liked to talk about her career on the stage, but apart from this told them very little about herself. At the trial, however, the following facts about her came to light.

She was born in India, on 16th June, 1926. For most of her life her parents had lived abroad, as her father had held business appointments in India and Persia, and, in 1947, in South Africa. As a child she had been brought to England to be educated. During the war, at the age of seventeen, she was called up for National Service. After a few months as a probationer nurse she joined the A.T.S., and was posted to the Special Intelligence Branch. From her earliest years, however, she had shown one desire in life, a theatrical career, and after the war, whilst still in the A.T.S., she was able to take a step towards that ambition. She was transferred to "Stars in Battledress," a touring company of Service personnel. In this she had considerable success, for in January, 1946, she was cast as leading lady in "The Man with a Load of Mischief." Then came a year of hard work. She toured England, Wales, and France, and then went on to Germany, as far as Herford, Cuxhaven and Plön. From what is known of her during this period she seems to have been keen, hard-working

## James Camb.

and successful, but inclined to be temperamental—even, perhaps, neurotic. But she seems to have been thoroughly healthy, for the members of the company could not remember her ever having missed a performance, or having been absent from duty for one day, in 1946.

In February, 1947, she was granted a compassionate release from the Forces so that she could travel with her mother to South Africa, and there join her father, who was then employed near Durban. Before her release she underwent the usual stringent medical examination demanded by the authorities, and was graded A W 1, the highest possible medical category for a girl in the A.T.S., except that, owing to a slight ear infection, she was marked 'non tropical'.

At the end of February she embarked on the *Carnarvon Castle* with her mother. They arrived in South Africa about 12th March, joining her father in Durban. After a few weeks with her parents she went to Johannesburg, where there was more scope for her in the profession in which it was still her ambition to succeed, and before long she had started to act with a repertory company in a play called "The Silver Cord," and to broadcast for the South African Broadcasting Company.

It was towards the end of July, while broadcasting in a Saturday night radio show, that she first met Henry Gilbert, an actor producer who must have been impressed with her performance, for he immediately offered her the leading part of Lorna in "Golden Boy". Playing opposite her was Eric Boon, ex lightweight champion of the British Empire. Another member of the cast was Mike Abel, a Johannesburg salesman and part time actor. The rehearsals continued from the end of July right through August, until the opening night on the 10th September. Gay Gibson naturally saw a good deal of Gilbert and Abel. Gilbert introduced her to his wife, Dr Schoub, who held a medical appointment in the city. She often went to their houses for parties, which took place rather frequently during the six weeks or so that she knew them.

On the 10th September the play was produced, and so far as Gay Gibson was concerned it seems to have been something of a triumph, for the Johannesburg papers were unanimous in their

## Introduction.

praise of her performance. One notice said of her that she "came out of the part of Lorna Moon with flying colours, a harsh, metallic but convincing portrayal."

In spite of its success, however, the play had to be taken off before the end of the scheduled run owing to the theatre being condemned as a fire trap. Gilbert then planned to take the show on to Pretoria, but Gay Gibson had decided to return to England to carry on her career there. When Gilbert knew that he could not get her to play in Pretoria he abandoned the project. And so, armed with testimonials and letters of introduction to theatrical circles in England and on the Continent, Gay Gibson set sail, as she thought, for England.

The voyage went on after the nature of voyages, one day being very much like another. Probably everyone was rather bored in this almost empty ship. Each night Gay Gibson went to bed about 11.30. It was Mr. Hopwood's custom to see her to the door of her cabin, and bid her good-night. On the surface everything seemed to be uneventful. But three or four days out from Cape Town Miss Field, Miss Gibson's stewardess, was speaking to James Camb, the steward on the promenade deck. Suddenly he asked her if she knew that Miss Gibson was pregnant three months. He said that Miss Gibson had told him so herself. Miss Field replied that if true it was a dangerous thing to say, and the conversation finished.

On Friday, the 17th, at about five in the evening, Miss Field saw Camb in the square of B deck, near Gay Gibson's cabin. By this time she seems to have had suspicions that something was amiss, and thought that he might be going to the cabin. She went up to Camb and told him that if he went to the cabin she would report it. It would, in fact, be forbidden for Camb to go to any passenger cabin, as his duties were confined to the promenade deck and the long gallery leading off it. Less than two hours later, about a quarter to seven, on Friday, 17th October, 1947, Miss Field saw Gay Gibson for the last time. She was dressed in a black evening gown and silver shoes, for the dinner and the dance which was to take place afterwards. She seemed to be very happy and cheerful.

As usual she dined at the same table as Mr. Hopwood and Wing-Commander Bray, and took coffee with them afterwards in



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the long gallery leading off the promenade deck. During the evening she danced three times with Wing Commander Bray and two other passengers. She had two or three drinks and smoked very little. About eleven o'clock there was some talk of going swimming, as the night was very hot, and Gay Gibson left the others, saying that she was going to look for a swim suit. Half an hour later she returned, saying that she could not find it. This was the only time during the evening that she had been out of the sight of Mr Hopwood and Wing Commander Bray.

During this half hour the ship's senior night watchman, James Murray, heard something which struck him as very curious. In the long gallery leading off the promenade deck he saw Miss Gibson and the steward Camb talking together. He heard Camb say, "I say I have a bone to pick with you, and a big one at that." He was unable to hear any more.

After Gay Gibson returned she and the two men stood on deck leaning over the rail until about twenty to one, and then Mr Hopwood escorted her to her cabin, according to his custom. He said good night to her—for the last time.

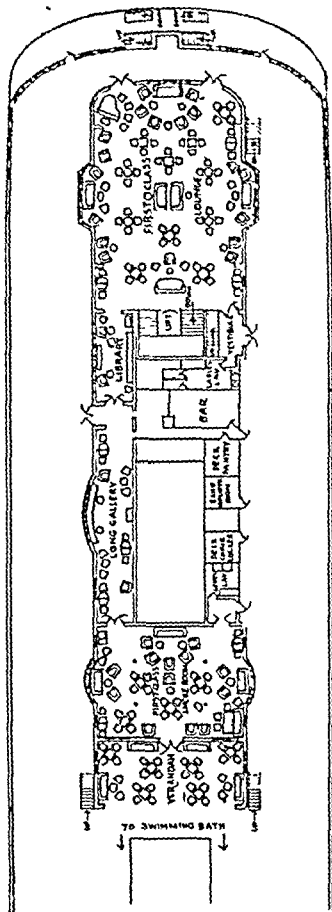
Gay Gibson, however, did not go to bed immediately, for at one o'clock the boatswain's mate, Conway, in charge of the working party engaged in washing down the promenade deck, saw her on the after end of the deck on the port side. She was leaning against the rail smoking a cigarette, and still wearing her black evening dress and the silver-coloured dance shoes. Conway saw that she would get wet if she stayed where she was, and showed her where she could sit, amidships on the port side. She thanked him and told him that she had found it rather warm below. That was the last time he saw her.

Just before three o'clock on the morning of the 18th October the senior night watchman, Murray, and his assistant, Steer, were sitting in the first-class galley on A deck, directly below B deck. At this time of the morning all cabin bells had been switched through so that they would sound in this galley, and it was for the night watchmen, in addition to their other duties, to answer any bell that might ring, and attend to the passengers' wants.

The *Durban Castle* was then steaming at nearly eighteen knots, and between her and the West African coast lay ninety miles of

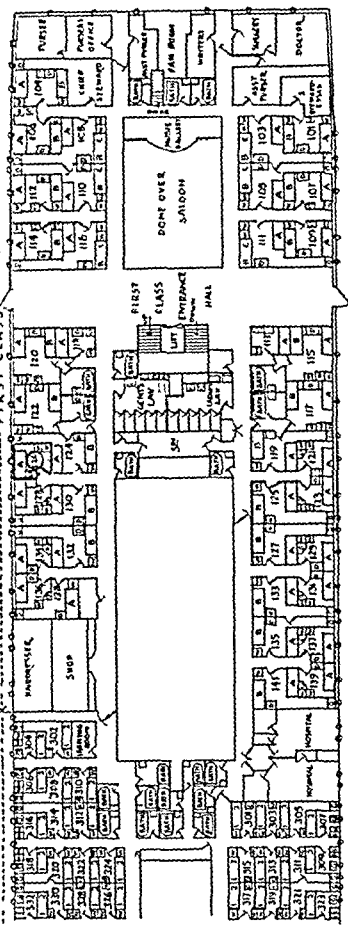
# PROMENADE DECK

FIRST CLASS



# SHADE DECK

FIRST CLASS



Plan of the Promenade and Shade Decks of the S.S. Durban Castle.

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shark-infested sea. The weather was fine and hot with a light wind. The bow wave was curling back and hitting the ship's side noisily, and from the funnel just behind the bridge came a continuous roar from the dynamos.

Suddenly, at 2.58 a.m., the bell rang above the watchmen's heads. Following the indicators, Steer left the galley, and went up to B deck and along to Cabin 126. Outside the cabin two lights were showing, green and red, indicating that both the steward and the stewardess had been rung for. This was curious, for usually a passenger would ring only for one or the other.

The light in the cabin was on, shining through the grille above the door. Steer knocked and tried to enter. The door opened a few inches, and was then shut in his face. Steer just had time to see a man's face, his right hand, and his body, clad in a sleeveless singlet and dark trousers held up by a belt. It was Camb the deck steward. As he shut the door in Steer's face Camb said to Steer, "All right."

Immediately, Steer went back to Murray to tell him what had happened, and together they returned to the cabin. The light in the cabin and the red and green bell lights were still on. No sound came from inside. They waited for four or five minutes, watching and listening. Still there was no sound. The time was now about ten minutes past three, and Murray was due to report on the bridge, so, leaving Steer outside the cabin, he went to make his report to the officer of the watch. Murray told the officer what had happened, but, not wishing to get a fellow member of the crew into trouble, he did not say that it was Camb whom he had seen. The officer of the watch dismissed him, saying that the morals of the passengers were their own affair.

Murray went back to Cabin 126, and saw that the light was still on. He went away and returned in ten minutes or a quarter of an hour to find the cabin still silent, but now no light showed through the grille. He decided to have no more to do with the matter and resumed his duties.

At about 7.30 the same morning the stewardess, Miss Field, went to Cabin 126, and, receiving no answer to her knock, tried the door. It was open. This was unusual, for Miss Gibson was in the habit of locking it at night, and unlocking it when called in the

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morning The cabin was empty, but Miss Field paid little attention to this as it was quite possible that Miss Gibson might have gone to the bathroom She did think, however, that perhaps the bed was a little more disarranged than usual, and she also noticed that there were one or two stains on the sheet and pillow case She began to tidy the cabin, but time went by and Gay Gibson did not return Miss Field became anxious She went in search of the missing girl, but no one had seen her Miss Field then reported the matter

At 9.57 on the morning of the 18th October the report was received by Captain Patey, the master of the ship, who immediately caused the ship's broadcasting system to be used to appeal for any news of Miss Gibson There was no response, and at 10.20 orders were given for the ship to reverse course A message was radioed to all vessels in the vicinity asking them to keep a look out At 11.20 a.m. Captain Patey realized the hopelessness of the search in the vastness of the ocean, and reluctantly decided to get under way again

In the meantime inquiries had been instituted Steer had told the master of the ship that it was Camb whom he had seen in Cabin 126, and at eleven a.m. Captain Patey saw Camb and told him that he was suspected of having been there Camb at once denied it, and said that he had not been near any passenger cabin or passenger accommodation since he had gone to bed at 12.45

At midday Captain Patey locked the door of Cabin 126 with an extra lock, and put the keys in his safe The cabin remained locked for the rest of the voyage

As the inquiries continued, more information came to light William Pott, an assistant smoke room steward who shared a cabin with Camb, remembered saying good night to him in the deck pantry on D deck about a quarter to one He had passed Miss Gibson standing by the rail with Mr Hopwood and Wing-Commander Bray, and had then gone to bed The next time he saw Camb was in bed about a quarter to six When he saw him later in the morning Camb was wearing a white jacket with long sleeves This immediately attracted Pott's attention because in that tropical climate it was usual for the stewards to wear only a singlet

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when cleaning up and preparing for the day. Later the reason for this change of clothing became clear.

On the morning of the 19th October Camb went to see Captain Patey, and complained that there had been talk of his submitting to a medical examination. Captain Patey told him that he was suspected of having played some part in the disappearance of Miss Gibson, and that it was in his own interests that he should be examined. Camb replied, "Thank you very much, sir," and then as he was leaving the cabin muttered, "Why all this suspicion? Let's get down to bedrock." Later in the day Camb was examined by Dr. Griffiths, the ship's surgeon.

In the evening Captain Patey received two letters from Camb. In the first letter Camb stated that he had locked up his deck pantry at about one a.m. and had then gone forward to the well deck for a smoke, and when he found himself dozing, went to bed. His last act had been to wind up his watch a little after two. From then until he was called at 5.45 a.m. he had not left the cabin.

The second letter described how he had been examined by the ship's surgeon who had found scratches on his shoulder and wrists. Camb explained them by saying that he had inflicted them himself three or four days previously while he was in bed feeling hot and itchy, and that scratches on his neck were caused by too vigorous rubbing with a rough towel further irritated by the high neck-band of his white jacket.

Two days later Steer, the assistant night watchman, saw Camb in the crew wash-house. Camb asked Steer if he had said that it was he in Cabin 126 on the morning of the 18th, and Steer, who had been given instructions, replied that he had not. Camb's reply was, "Thank goodness, I have not been with her homeward bound this trip. I am in a tight jam." The first part of this statement was indeed remarkable, for Camb had never at any other time been on the same ship as Miss Gibson! However, Camb certainly was in a tight spot.

On the night of the 24th-25th October the *Durban Castle* arrived at Cowes Roads. The authorities had been apprised of the situation by radio, and at 1.25 on the morning of the 26th October, Detective-Sergeant Quinlan and Detective-Constable Plumley, of

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the Southampton Borough Police, went on board Captain Patey told them what he knew and handed them the keys to Cabin 126, and the letters written by Camb. At 5.25 a.m. the two police officers interviewed Camb in the smoking room, where, in answer to their questioning he repeated the denials he had made to Captain Patey, and insisted on the truth of his story. At their request he showed them some partially healed scratches on both wrists. At this time those on the right wrist were fairly clear, but on the left wrist they were faint and difficult to see. Camb repeated his explanation of their being self-inflicted.

Sergeant Quinlan said that he had good reason to believe that Camb had been in Miss Gibson's cabin at three a.m. on the 18th October, and that he was convinced that Camb could give him further information. Camb replied that that put him in a tight spot. This was the second time that he had said something of the sort.

At their request Camb accompanied the police officers to the Southampton Police Headquarters, where they left him, and returned to the ship. On their instructions the stewardess made up the bed as near as possible to the state in which she remembered it being on the morning of the 18th of October. Photographs of the bed and the cabin were taken from all angles, and Detective-Sergeant Quinlan took possession of a number of articles, which were later to become exhibits.

At 5.15 p.m. Sergeant Quinlan saw Camb again at police headquarters, and told him that it had now been established that he had been in Cabin 126 at three a.m. on the 18th. Faced with this, Camb decided to change his story. He said that Miss Gibson had asked him to leave out a glass of rum for her on the bottle box outside the bar when the bar had shut. At about eleven o'clock he saw her going to her cabin, and followed her there to ask if she wanted some lemonade with her rum. He found her looking for a swim suit. She said she did not want the lemonade, so he left and went back to his duties.

Sergeant Quinlan was not satisfied with Camb's story. He left him, and put the facts before Sergeant Gibbons, who was then acting as inspector. They returned to Camb together, and Sergeant Gibbons took pains to point out to Camb the seriousness of his

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position. He reviewed the circumstances: There was evidence that Miss Gibson had been pushed through the port-hole. If it could be shown that both Camb and Miss Gibson were in Cabin 126 at three a.m. on the 18th October it would be of the utmost importance for Camb to be able to prove that he had nothing to do with her disappearance. The time was fast approaching when a decision would have to be made about him, and if the police were in a position to show that Camb was in Cabin 126 at three a.m. on the 18th his flat denial that he had been there might be difficult for him to substantiate later on.

Camb asked if that meant that he had murdered her, and would be charged with murder. Sergeant Gibbons replied that at that stage he could not say whether Camb would be charged or not, but pointed out that in the absence of a body the police had to give particular care to any explanation which he might put forward. If Camb had a reasonable explanation of the cause of Miss Gibson's death and her disappearance, the acceptance of it would not be made any easier by the continuation of the denials he had been making.

Camb's next question was significant—"You mean that Miss Gibson might have died from a cause other than being murdered; she might have had a heart attack or something?"

Sergeant Gibbons replied that he was satisfied that Camb had been alone with Miss Gibson in her cabin, and that he was the only person who could give an explanation of her disappearance. It was for him to decide whether he wanted to make an explanation, but that if he did want to do so he might think that the present was the appropriate time. Sergeant Gibbons then left the room, leaving Camb with Sergeant Quinlan and Constable Plumley.

Sergeant Quinlan then asked Camb if he was in the habit of visiting female passengers' cabins. Camb replied, "Well, yes; some of them like us better than the passengers. I have been with them several times on other trips at night; of course if I was found out I would get the sack."

Then, after a short silence, Camb said that he would like to make a statement. He said that about eleven o'clock when he had gone to Miss Gibson's cabin to ask whether she required her drink he had made an appointment to meet her later. After he

## James Camb

had finished work about one o'clock he went to the cabin but found it empty. So he went forward, smoked a cigarette, and returned to Miss Gibson's cabin about two, to find her there. After some conversation he got into bed with her consent and sexual intercourse took place. Whilst in the act she suddenly clutched at him foaming at the mouth, and though he immediately ceased the intercourse she lay very still, and when he felt for her heart beats there were none. He had no explanation of how the bells came to be rung and was most definite that he did not touch them himself. He tried artificial respiration and was surprised by the night watchman knocking on the door and trying to open it. He said to the night watchman that it was all right, shut and locked the door, and then panicked as he thought that a report would be made to the officer of the watch, and was afraid of being found in a compromising position. Again he tried artificial respiration, and after a few minutes when he could still find no sign of life he lifted her body to the port hole and pushed it through. She was still clad in her dressing gown and it was a struggle to lift her. He was fairly certain that she was dead, but he was terribly frightened. Then he went forward to turn in. The time was about 3.30.

When he had made the statement Camb appeared to be relieved. He said, "I am glad to get it off my mind. What will happen about this? My wife must not know about this. If she does I will do away with myself."

He was told that he was going to be detained, and at 1.30 p.m. on the 26th October, 1947, he was charged with the murder of Eileen Gibson.

The same evening Police Constable Plumley, who retired from the police force before the trial, went to see Camb in his cell in order to obtain his formal consent to having his photograph and fingerprints taken.

According to Plumley's story, Camb said, "I did not think it would be as serious as this. All I am worried about is my wife. I have not had any sleep since the thing happened. I can't understand why the officer of the watch didn't hear something. It was a hell of a splash when she hit the water. She struggled, I had my hands around her neck, and when I was trying to get them



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away she scratched me. I panicked and threw her out of the port-hole."

The preliminary hearing before the magistrates took place at Southampton and lasted two days. At the end of the depositions, in answer to the caution, Camb said, "I am not guilty of this charge. I did not kill Miss Gibson. She died in the way I have described. My mistake was in trying to conceal what happened. Witnesses already called could, I am sure, have told much that would have helped in this case, and witnesses in South Africa know about the state of her health."

After the preliminary hearing before the magistrate the prosecution was put in train. It was clear that expert medical evidence as to the cause of death would play a very great part at the trial, and accordingly the depositions were put before Professor Webster, the Director of the South Midland Forensic Laboratory at Birmingham, so that he might give evidence for the prosecution. But Professor Webster, in the light of his knowledge and medical experience over many years, was of the opinion that Miss Gibson might have died in the way described by Camb. Immediately, with that fairness which in England is characteristic of prosecutions, and especially prosecutions for murder, this information was passed on to Camb's legal advisers, so that Professor Webster could be called to give evidence by the defence. Other evidence which had come to the notice of the prosecution was also made available to the defence in the same way, notably that of Miss Armour and Mr. Dalby, who gave evidence as to the state of Gay Gibson's health while in the army.

The prosecution were able to fill in a number of details about Camb's past. This stocky married man of thirty-one—he had a little daughter—had been at sea since 1933, with the exception of a brief period before the war when he was working ashore in Australia. He had always been a steward, and apart from short service during the war had always been on large liners. In the *Durban Castle* he was unpopular with the other members of the crew. He was conceited, and had an unpleasant reputation as far as women were concerned. On the *Durban Castle* on her way out to South Africa he was known to have assaulted women passengers on three different occasions. Once he had entered a woman's cabin

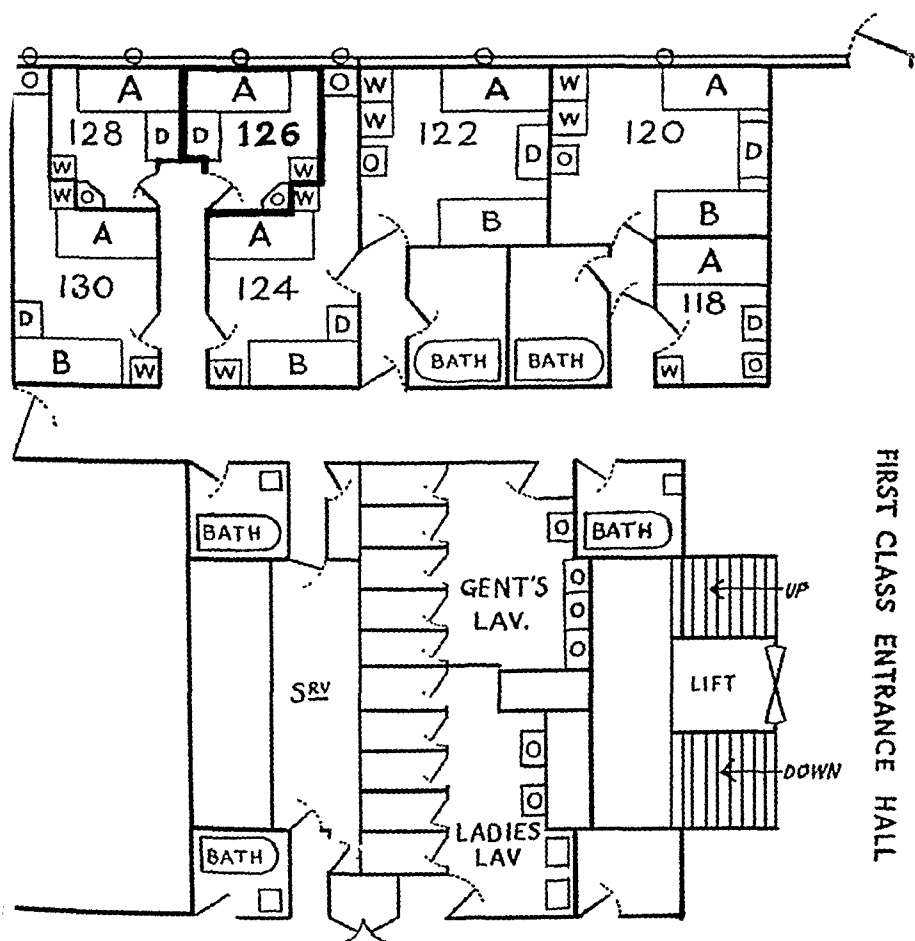
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and made advances to her, which she had only been able to repel after a struggle. On another occasion he had gone to the cabin of a young girl, and—again unsuccessfully—had tried to force his attentions on her. In the third and most significant case he tried to strangle a woman passenger in a shelter on deck where tools were stored. She lost consciousness, and recovered to find Camb standing over her. Fortunately for Camb, none of these women took action against him, fearing the subsequent publicity. The prosecution knew of these incidents, and statements were taken by the police, but it was not possible to use them at the trial as they were not relevant to the case at issue.

From the very start the case aroused the greatest public interest. While the *Durban Castle* was still at sea the newspapers had published reports of trouble on board, and it was said that police officers had flown to meet the ship in the Azores. This, in fact, was untrue but it whetted the public interest in what was to come. The youth and beauty of the victim, the lack of a body, the fact that the tragedy had occurred on a liner in mid-ocean, the talk of witnesses being flown from South Africa, and the fact that Eric Boon, the ex lightweight boxing champion of the British Empire, had been Gay Gibson's leading man, gave the case an unusually dramatic quality. It quickly became known as "The Port hole Murder."

The trial opened at Winchester Assizes on the 18th March, 1948, before Mr Justice Hilbery. The Court was packed during the four days of the trial, but many of those who had found a place inside can have seen very little of the proceedings. Owing to a subsidence of a wall of the Castle, the Court was a temporary one. The plywood partitions which had been erected, beside cutting off the view of many of the spectators, gave the Court a curiously make shift appearance. But, in full view, were the bed from Cabin 126, a port hole mounted in a wooden frame, and the bell push which had summoned the night watchmen on the morning of the 18th of October.

The judge appeared and took his seat accompanied by the High Sheriff and his chaplain. Camb was brought into the dock. He stood impassively, a man of middle height, stocky and rather heavily built. He was pale but composed as the Clerk of Assize



Plan of Cabin 126 and adjacent cabins. Position of the bed is as "A."

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read over the indictment to him. When asked to plead he said, "Not guilty, sir," in a clear voice, and was then allowed to be seated.

Mr. G. D. Roberts, K.C., opened for the Crown. He described the case as an unusual one in that no body had been found. This, however, was by no means unprecedented. The first question the jury had to decide was: Is Eileen Gibson dead? The second question, to be answered at the end of the trial, would be: Has it been proved that the prisoner murdered her?

The case for the prosecution was that Camb, in the early morning of the 18th October, 1947, murdered Eileen Gibson and disposed of her body by casting it into the ocean through a port-hole, when the liner was ninety miles from land in a shark-infested sea, or alternatively that he cast her into the sea while still alive, having overcome her resistance.

Mr. Roberts outlined to the jury the evidence he proposed to call, and submitted that when they had heard all the evidence on both sides the inference they would draw would be that Miss Gibson objected to whatever advances the prisoner was making, and that she pressed both bells for outside help. She scratched the prisoner and then, for his self-preservation, he strangled her. Alternatively, they might think that Camb, finding the girl resisting, overcame her, and then destroyed the witness—living but unconscious—who could prove against him the crime of rape or attempted rape by throwing her through the port-hole into the sea.

From the start the issues in the case were clear. There was no dispute that Camb had been with Gay Gibson when she died. There was no dispute that he had cast her body into the sea through the port-hole. All that remained to be decided was: Did Camb kill her or did she die a natural death, without any contribution on Camb's part? On this question evidence as to the state of her health and expert medical evidence on the signs found in the cabin were of great importance.

On one matter the ship's surgeon, Dr. Griffiths, enjoyed a great advantage over all the other medical witnesses called. He was the only one to see Camb within a few hours of the disappearance of Gay Gibson, while the scratches upon him were still fresh.

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The others had to depend on photographs taken more than a week later, when many of the marks had healed. He described what he had found when he examined Camb on the morning of the 19th October. There were scratches on the right side of his neck, on the left shoulder, and on both wrists, and he thought that except for those on the right wrist they had been caused before the morning of the 18th October. There were between nine and twelve separate scratches on the right wrist between a quarter and half an inch in length. They went across the front of the tendons, and tended to radiate obliquely towards the thumb. In Dr Griffith's opinion they were entirely consistent with scratches caused by finger nails in the early morning of the 18th October, and were the result of a digging and drawing movement.

Of the exhibits produced by the prosecution only two turned out to be of any great importance. There were two blood stains on the upper heel which Dr Montgomery, the Senior Scientific Officer at the Metropolitan Police Laboratory, found to be of group 'O'. Camb's blood was of group "A," so that the inference to be drawn was that the blood came from the body of Gay Gibson. The other was a female contraceptive appliance which was found in a suitcase in Gay Gibson's cabin. This in fact can have had no result on the verdict.

Evidence as to the way in which death might have been caused was given by some of the most eminent pathologists in the country. The prosecution called Dr Teare, the assistant pathologist and lecturer in forensic medicine at St George's Hospital, London, who has given evidence at many famous trials. The defence called Dr Hocking, the well known West Country pathologist, and Professor Webster, Director of the South Midland Forensic Laboratory. As to the scratches, all these witnesses agreed that it was difficult to pass an opinion by the study of photographs taken so long after the event. Mr Caswell suggested that the marks were indentations made by convulsive gripping at the moment of death, but Dr Griffiths had said that the marks appeared to him to have been made by a digging and drawing movement. Professor Webster thought that the marks were a little too high up to be consistent with the usual signs of strangulation, but admitted that it was hard to judge by the photographs.

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Apart from this all agreed that the characteristic signs of death from strangulation were present. Dr. Hocking and Professor Webster, however, thought that the signs were equally consistent with death from natural causes. Dr. Teare agreed that it was possible for the signs to be present as a result of natural causes, but suggested they were more consistent with strangulation.

All the common features of strangulation were present in the bed, and on the body of Camb; blood-stained saliva stains on the sheets, and the scratches on the wrists of Camb. And something that had been found by Dr. Hocking, and unknown to Dr. Teare when he gave evidence—traces of urine in the bed, showing that the dead girl voided her bladder as a terminal act. All these are common features of strangulation, and the evidence given by Dr. Hocking as to the presence of urine in the bed put one matter beyond doubt, that Gay Gibson had died on the bed, and that her body was afterwards pushed through the port-hole.

Professor Webster was of the opinion that death could equally well have occurred from natural causes, and told of three cases where death had occurred during sexual intercourse. He thought that if Camb's account was correct death could have occurred naturally in two ways. Firstly, the bursting of a small congenital aneurism in the brain—a condition which is undiagnosable prior to death—and secondly, by heart disease, either direct or indirect. In a girl of Gay Gibson's age indirect heart disease would be more likely, and could arise from a septic focus somewhere in the body, affecting the heart, or from a secondary condition of the heart caused by asthma.

What the medical evidence came to was this. Death *could* have occurred from strangulation; it *could* have occurred from natural causes. Dr. Teare thought that strangulation was more likely: Professor Webster thought that the chances were equal. Dr. Hocking said that both were possibilities; he could not assess the probabilities.

Evidence about Miss Gibson's health was given by Dr. Haslam, who had examined her on her release, and graded her A.W.I. She said that on the 19th February, 1947, her general physical condition was good. Her hearing was a little impaired owing to an old infection of the ear, and she was a little wheezy from a

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recent cold, but there was *nothing* significant in that. According to her mother, a trained nurse, Gay had always enjoyed good health.

The defence, as we see, sought to prove that death was from natural causes, and not only that, but also that Camb, on the morning of the 18th October, had been a welcome visitor in Cabin 126. For, had he forced his attentions on Miss Gibson and death had occurred from whatever cause in the course of rape, he was clearly guilty of murder. So that for the defence the examination and cross-examination of medical witnesses was of the greatest importance. Reluctantly, then—for it is never pleasant to have to attack the character of a dead person, especially when that person is a young girl—Mr Casswell called evidence seeking to show that Gay Gibson was a girl who would not be averse to casual sexual adventure.

When the dead girl's mother was called by the prosecution it was Mr Casswell's painful duty to foreshadow this evidence in his cross-examination. Mrs Gibson was a tragic figure as she looked defiantly around the Court. She said that she was proud to be the mother of Gay Gibson—one of the finest types of English womanhood, physically, mentally and morally. One could sense the tension in the Court as she gave her evidence. One thing was clear, she would not hear anything against her child. She did not know that she had a contraceptive in her possession, and did not recognize the names of men put to her, except for one, a Charles Sventonski, who, the defence claimed, had paid her passage to England and given her £350. According to Mrs Gibson, she approved of this because it was a business proposition. He was a successful business man interested only in hacking Gay's career. He had given her a letter of introduction to theatrical circles in Switzerland and London. The money was only in the nature of a loan, to be repaid when Gay made her expected success.

Mr J D Casswell, K C., in his opening, outlined the defence, which emerged from Camb's statement to the police—that he had gone as a welcome visitor to Miss Gibson's cabin, that she had willingly consented to his having sexual intercourse with her, and that while still in the act she had died from natural causes. Then,

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overcome by panic and afraid of losing his job, he had cast the body into the sea.

Camb came into the witness-box to give evidence. He took the oath calmly and quietly, and during his hours of examination and cross-examination never once betrayed any visible sign of emotion. Coolly he told his story and coolly he stood up to a cross-examination which searched and probed every part of it. This is the story he told.

On the second or third day out from Cape Town, the 11th or 12th October, he saw Miss Gibson sitting alone in a bay window in the long gallery. She ordered a drink, and they fell into conversation. Within a few minutes she had told him that she had been acting in Johannesburg, and was deeply in love with a man named Charles. She said she thought she might be going to have a baby, but it was too early to be able to tell. She then asked Camb if she could have afternoon tea in her cabin, and he explained that she could ring for the bedroom steward, who would take it to her on a tray which he (Camb) would have prepared. That afternoon he received a message asking him to take the tray personally, and he went to her cabin to tell her that this was impossible, not only because it was against the rules, but also because at that time he would be serving on deck. While he was in her cabin Miss Gibson gave him a standing order for a supper tray, to be prepared by him and to be brought to her by the night watchman when she rang for it. During the next few days he had several conversations with her, but they cannot have been of much importance, as he could not recall any details of them.

On the 16th October Miss Gibson asked him to leave out a large rum for her when the bar closed, and he saw that it was put on the bottle box outside the bar for her to collect. In the morning he saw that the rum had gone, and that the tea tray had not been used.

Now came Camb's explanation of the words he used at 11.20 on the night of the 17th October: "I say, I have a bone to pick with you, and a big one at that." According to his story he said that she had not used her supper tray the night before, or her tea tray that day. It appeared to be Camb's suggestion that he was annoyed



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with her in a jocular way, for putting him to all this trouble for nothing

By the 17th, said Camb, he was on extremely friendly terms with Miss Gibson. She asked him to leave out a rum again on that particular night, and paid him for it. This was soon after eleven o'clock. He knew that she had gone to her cabin, as he had heard her say to one of the passengers that she was going to look for a swim suit. Five minutes later he followed her to her cabin, and asked if she wanted a lemonade with her rum. She replied that she did not, and Camb said to her that he had a good mind to bring down a drink and join her. He meant by this to suggest sexual intercourse, and though he could not remember exactly what she said in reply he thought it was something like, "Please yourself, it's up to you." Then he returned to his duties.

He put out the rum on the bottle box and went on working in his pantry until a few minutes before one a.m. When he came out the rum had disappeared, and on the bottle box was a clock, which he thought might belong to Miss Gibson. Within a few seconds he saw her again, standing just outside the door of her cabin with the glass of rum in her hand. He asked her if the clock was hers, and when she replied that it was he gave it to her, and left.

A few minutes before one o'clock he locked the pantry and went to Cabin 126. The light was on and the cabin was empty. About an hour later he returned and knocked on the door. Miss Gibson answered and he walked straight in. She was lying on the bed. Camb sat down on the edge of it and talked to her about the dullness of the dance for ten or fifteen minutes. Then she put down the glass of rum, which she had been sipping. She kicked off her slippers and started to undo the zip fastener down the front of her dressing gown. Under it she was naked.

He made love to her. Suddenly she heaved, as though gasping for breath, her body stiffened for a moment, and then relaxed. Her right arm tightened around his neck and her left hand gripped his right forearm tightly. He got off the bed, and saw that she was relaxed as though in a faint, with one eye and her mouth slightly open. There was a line of blood stained froth on her lips. For a moment he felt stunned, and then he listened and felt for heart

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beats; her heart seemed to have stopped. He looked unsuccessfully for smelling salts, and then he tried to restore her circulation by massaging the stomach towards the heart. For twenty or twenty-five minutes he tried to revive her in this way. Suddenly there was a tap on the door. It opened. He pushed it to and said, "All right." He was convinced that he had not been recognized, but he expected that a report would be made, and a feeling of complete panic came over him. He was terrified of being found in a woman passenger's cabin, because it would mean that he would lose his job and forfeit any chance of employment with any other shipping company.

He looked again at the girl lying on the bed—she was wearing only a dressing gown—and could see no movement. Once again he tried artificial respiration, but her body seemed to be growing colder. He concluded that she was dead, and then decided to dispose of the body. He lifted it up, but it was not easy, as it was slack and awkward. At length he got it to the port-hole and pushed it into the sea. He then left the cabin and returned to his quarters. He went to bed and was up at his usual hour at six the following morning.

He was quite certain that he had not pressed the bells or received any injuries from Miss Gibson.

That was the story that Camb told. He denied having made the statement that Constable Plumley alleged.

Mr. Roberts' first question in cross-examination was deadly. "Would you describe yourself as a truthful man?" The reply was, "I think so, sir." Then, time after time, again and again, Camb was forced to admit that he had lied to save himself. His answers were given with such callousness that the manner even, more than the words used, underlined the cold selfishness of his nature. He admitted coolly that he intended to persist in his untrue denials and to take the secret with him to his grave, no matter what unhappiness or misery was caused to Gay Gibson's relations or anyone else: he decided to alter his story in the police headquarters because he then realized that he was definitely incriminated by Steer, and that it was no use in persisting in his first story, but he insisted that it was the truth that he now told.

Mr. Roberts asked Camb, "Don't you call that curious conduct

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for a truthful person?" and Camb replied unemotionally, "I should say it was beastly conduct."

He went on to elaborate the means by which he pushed the body through the port hole. He stood on the bed and lifted her to a sitting position, and then, with his hands just above her hips, to the port hole. He pushed her arms through and then her head and the rest of her body followed quite easily, when half the body was through the port hole the legs were hanging down inside and the rest of the body outside. Then, as he lifted the legs to shoot her out, he saw that there were no pyjamas on her legs.

He agreed that he had not worried about Miss Gibson or her family at any time but that he was worried about his wife, as it could make things difficult between them if she found that he had been having relations with another woman.

Camb left the witness-box as perhaps one of the most cold blooded men ever tried for murder in England. After his evidence no one who had heard it could credit for one moment that Camb would panic, no matter in what predicament he found himself.

Subsequently, five witnesses gave evidence as to the condition of Gay Gibson's health while she was in England. The first was Miss Evelyn Armour, an officer in the A.T.S. who in the summer of 1946 had been a subaltern serving in the London District. About eleven o'clock one night at the end of July she was called to see a girl who was ill in billets. There she saw a girl, whom she said was Eileen Gibson, lying on a bed face upwards with the back of her head and her heels on the bed and her back arched. Her tongue was in the back of her throat, she was breathing heavily, and appeared to be choking. She clutched her chest, muttering, "Pain." The condition lasted for ten minutes or a quarter of an hour, and then Miss Armour took her to the Casualty Reception Station by ambulance. She appeared to be over her "type of fit" as Miss Armour put it, but very exhausted. The next morning Miss Armour telephoned to see how she was, and was told that she was all right. It is interesting to note that no entry appears on Gay Gibson's service and casualty form, which appears to show either that Miss Armour was mistaken in the girl's identity, or that a serious view was not taken of her illness by the authorities.

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Professor Webster was later asked his opinion of the symptoms described by Miss Armour. He said that, in his view with no suggestion here of tetanus or strychnine poisoning, the arched back suggested an element of hysteria. It might have been a mild epileptic fit, but although there was an element of heart pain the symptoms really indicated an hysterical attack.

There could be no suggestion of asthma, but Mr. Dalby, who had toured with Gay Gibson in "Stars in Battledress," said that she was not in London between the 23rd June and the 3rd August. Was it possible that Miss Armour made an honest mistake as to the identity of the girl concerned?

Mr. Dalby had every opportunity of observing Gay Gibson's health and way of life during 1946, the year they were in the same company. He was, however, unable to help the defence very much. He described her as hysterical and neurotic, and he told how one night during a twenty mile journey over rough roads after a somewhat hilarious party in an officers' mess, she had a kind of hysterical attack. There had been a good deal to drink, and Gay Gibson had danced a number of eightsome reels. When they reached their destination she was carried from the car. In the morning she was pale but seemed to have recovered. As far as Mr. Dalby knew she had not missed one day's duty during 1946. She had seemed at one time to be infatuated with an army driver called Pierre. Dalby was unable to provide any further information.

Camb's legal advisers had sent a representative to South Africa to try to find some witnesses who could support Camb's story as to Gay Gibson's health and morals while she was in South Africa. He found them in Henry Gilbert, producer of "Golden Boy"; Mike Abel, who played the gangster rôle; and Dr. Ina Schöub, Gilbert's wife.

Their passages were paid to England. At the end of their journey lay Winchester, and the Assize Court.

So far as Gay Gibson's health was concerned these three people were agreed that she was neurotic and hysterical and that on several occasions she had fainted, twice when coming out of a house into the garden after drinking at a party. She had told them that she had come to South Africa because she was suffering from

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asthma, she had also told them that her parents had been killed in the bombing of London and that her brothers had perished in the Navy. Both her parents and her brothers are in fact alive. So far as they knew she had never consulted a doctor about her asthma, and Dr Schoub, a qualified medical practitioner, had seen no signs of it. Mike Abel said that he had seen her lips turn blue once when she fainted, and a line of froth appear. This was, of course, exactly what Camb's statement described, and it had been published in the public press. Abel said that he had on one occasion also heard her complain of a sharp pain running down her left arm to her fingers. This could be a sign of coronary heart disease and a symptom to be found described in any medical textbook. The fainting fits cannot have caused much impression on either Abel or Gilbert at the time, for neither of them thought of asking Dr Schoub to examine Gay Gibson.

Again, no matter how temperamental and neurotic Gay Gibson may have been, her health must have been fairly good, to say the least, for her to have gone through arduous rehearsals and the strain of playing a leading part without one day's absence from either.

On the moral issue Mike Abel said that Gay Gibson had told him, a married man, that she loved him, and then fainted when he told her to be sensible. Otherwise, there was one thing, and one thing alone, in the whole of the South African evidence which could have any reflection on her morals. According to their stories she told all three that she was pregnant, and consulted Dr Schoub, who said that it was too early to tell and recommended her to be fitted with a contraceptive. According to Dr Schoub she was remarkably innocent, or ignorant, of sexual matters.

She had told them that her mother and father and her two brothers were killed during the war, which was untrue. She said that she had gone to South Africa for her health, which was also untrue. She said that she suffered from asthma, and yet there was no record while she was in the A.T.S. or in South Africa, that she ever consulted a doctor or took any treatment for this complaint. And then she said she was pregnant.

She was certainly neurotic. It is equally certain that her neurosis took the form of romantic and untruthful stories about herself. There was no real evidence, however, to show that she

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was of a promiscuous nature. There seems no doubt that she received some £500 from the man called Sventonski. Her mother knew of it and approved it as the backing of a kindly, wealthy business man for a young actress.

Putting the worst construction on all these matters, is there anything at all which suggests that she would be so promiscuous as to invite a deck steward to her bed within a week of first seeing him, and after a few brief words?

Mr. Casswell, in his closing speech, emphasized the duty of the prosecution to make out its case beyond any reasonable doubt; and the duty of the jury, if in any uncertainty, to give the benefit of that uncertainty to the accused. One point was strongly in favour of the defence. The door was unlocked when the night watchman tried it. If Camb had known that the bells had been rung, or was engaged in the commission of a crime, would not his first thought have been to lock the door?

Mr. Casswell asked the jury to say that Camb's behaviour was consistent with that of a man in a panic, finding himself with a dead body. Although death had come from natural causes, in the circumstances Camb saw the whole of his career and married life coming to an end. Professor Webster and other medical witnesses had expressed their opinion that the death of Gay Gibson could have occurred in the way Camb had described, and there was some evidence that she had been in ill health. How, asked Mr. Casswell, could the jury agree when eminent medical men disagreed? And was not the evidence as to her character consistent with her being the type of girl who would not be reluctant to invite a man to her cabin?

In the last analysis, however, the case did not rest on the medical evidence, or on evidence as to the character of the dead girl. It depended on the answer to the following questions. Who rang both bells and why? Camb said he was sure he did not ring them by design or accident. According to his evidence he did not go near them. The ringing was not accidental, as the circuit was tested and found to be in good working order. It cannot have been the hand of the girl falling in her death agony, for the bells required a certain pressure. What explanation was there other than that of the prosecution, that Gay Gibson rang them to summon help

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to save her from Camb's unwanted advances? As to the finding of the female contraceptive, it turned out to be of little importance. At first sight it would seem as though it was a sure sign that Gay Gibson was not expecting Camb. But, as the defence claimed, if she was pregnant the damage was done, and there would be no point in wearing it.

Why did Camb dispose of her body? If she had died a natural death what was easier than to leave her dead body there, to be found in the morning, as though she had passed away quietly in her sleep? But if she bore on her neck the signs of strangulation, then there was motive indeed.

How did Camb receive the scratches on his wrist, consistent, as Dr Griffiths says, with a digging and drawing movement—scratches, as expert medical witnesses said, consistent with the victim of a strangler trying to free her throat from his grip?

Where were the black pyjamas? Miss Field said that they were missing in the morning. If they had gone through the port hole on the dead body it would prove that Camb was lying when he said that she was naked under her dressing gown. If they had not, where were they?

It is also worth noting that Camb did not make his statement about how Gay Gibson had died until it was suggested to him by the police that her death might have had some reasonable explanation. On that occasion he said, "You mean she might have died from some other cause, heart failure or something?" Is it not obvious that it was only then that this possibility had occurred to him?

These were the points made by Mr Roberts in closing for the Crown. In view of the evidence as to the traces of urine in the bed he accepted that Gay Gibson had died upon the bed and that it was her lifeless body which had been cast from the port hole. He described much of the evidence as a lying attack on the dead girl's character, which after all had no bearing upon the case. And there was a tense silence in Court as he reminded the jury of what Dr Schoub had said about her.

"Let that be her epitaph," said Mr Roberts. "She was a nice charming girl—I liked her."

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The summing up was unfavourable to Camb from the start. In spite of this, Mr. Justice Hilbery repeatedly told the jury that the verdict was their responsibility alone, that it was the duty of the prosecution to prove its case, and that if there was any reasonable doubt the prisoner was entitled to be acquitted. At 6.25 the jury retired. At 7.10 they returned to the Court, agreed. The verdict was, "Guilty." When Camb was asked if he had anything to say before sentence of death was passed, he replied, without hesitation, "My lord, at the opening of this case I was asked to plead guilty or not guilty; I pleaded not guilty, and I repeat that statement now."

The hush that always precedes the sentence of death fell upon the Court. The black cap was placed upon the judge's head. He said: "James Camb, the sentence of the Court upon you is that you be taken from hence to a lawful prison, and thence to a place of execution, and that you be there hanged by the neck until you be dead, and that your body be buried within the precincts of the prison within which you shall last have been confined before your execution, and may the Lord have mercy upon your soul."

The sheriff's chaplain's solemn "amen" followed.

Camb's appeal was dismissed, but nevertheless he escaped the gallows. The "no hanging" clause of the Criminal Justice Bill, approved by the House of Commons, had been rejected by the Lords, and the Home Secretary announced that all those persons under sentence of death, while Parliament was deciding the matter, should be reprieved. So for Camb, as events turned out, it was life imprisonment, and not death.

. Thus ended the Port-hole Murder Case.

It was a truly remarkable case for a variety of reasons. It was full of drama. It raised a number of interesting points of law; and probably, from the medical aspect, it will be discussed for many years to come.

Both from the legal and the public point of view the absence of a body was of interest. At the outset many laymen said that Camb could not possibly be convicted of murder where no body had been found. The logical result of such an assumption would be that if the criminal were sufficiently skilful, and sufficiently industrious to



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be able to do away with the body, he would forever remain immune from conviction

There is, however, some historical basis for the belief Hale advised that there should not be a conviction for murder or manslaughter where no body has been found, and quotes two cases which persuaded him of this. The first was where an uncle, bringing up his niece, who was his heir at law, had occasion to correct her. She was heard to say, "Good uncle, do not kill me," and then could not be found. The uncle was committed upon suspicion of murder, and commanded to produce the child at the next Assizes. He could not find her, and so brought to the Assize a child of her age and appearance dressed in her clothes. The deception was discovered. He was found guilty of murder, and executed.

The truth was that the child, after being beaten, had run away and found refuge with strangers. This was only discovered when, having come of age, she returned for her inheritance.

Best, on Evidence, mentions the case of a man called John Miles, who was executed for the murder of his friend William Ridley with whom he had been drinking and who later could not be found. After the execution it was discovered that the "deceased," while drunk, had fallen into a deep privy, where no one thought of looking for him.

The rule is said to have been used even in the case of a mother and reputed father of a bastard child who were seen to strip it and throw it into the dock of a seaport town. The body was never again seen, but the judge, who tried the couple for murder, advised an acquittal on the ground that the tide might have carried out the living infant.

It has been suggested that the rule did not apply to murders at sea where the body was cast overboard, but in all such early cases the general rule of law was admitted.

It has now for many years been held that Hale's rule was one of caution only, and, indeed, it would be a startling thing to let every murderer know that in order to secure immunity he has only to destroy a body by fire, or chemicals, or to sink it in the deepest parts of the ocean.

## Introduction.

In 1934 a man named Davidson was convicted of the murder of his little son. No body was ever found and the explanation appeared to be that it had been consumed in the fire of a refuse dump.

At Camb's trial, however, the point was not raised by the defence, and in this respect is only of academic interest. No one suggested that Gay Gibson might not be dead, and the jury can have had little difficulty in deciding that she was.

Another point arose in this case. When Camb said at the preliminary hearing that there were witnesses in South Africa who could give evidence on his behalf, the defence very properly sent to persons who could do so, and were able to have Mr. Gilbert, Mr. Abel, and Dr. Schoub in Court. There were other persons there who could have given evidence, for example, Gay Gibson's landlady. But the evidence could not be obtained unless the witnesses were brought over. The expense in such cases is often prohibitive, and the witnesses simply will not come. It may be that in criminal cases, as in civil proceedings, there should be some method of taking evidence on commission abroad, subject to cross-examination, which can be read at the trial.

The case was a striking example of English justice. All the evidence in the possession of the prosecution, which could be of any assistance to Camb, was immediately and, as a matter of course, made available to the defence. In this way Professor Webster, whose deep knowledge was of inestimable value to the accused, gave evidence in support of his story. So too did Mr. Dalby and Miss Armour. And the expenses of Mr. Abel, Mr. Gilbert, and Dr. Schoub, brought all the way from South Africa to give evidence for the defence, were paid from public funds.

Though the prosecution knew and could have brought evidence of Camb's previous assaults on women, not a word of this was allowed to be said, as it is a fundamental principle of English Law that evidence of a man's character must not be given until he is convicted. And so it was that the defence could quite properly say that there was no suggestion that Camb had been convicted of that sort of thing. As indeed he had not.

In the ordinary sense Camb was not a criminal. But he was a highly sexed man, a man who delighted in his affairs with women,

## James Camb.

and would run risks to gratify his sexual desires. It is known that this was not an isolated case of going to a woman passenger's cabin. He admitted it. It is known, too, that he would go without invitation and without encouragement, and that it was only by calling and banging upon the walls of their cabins that on the outward voyage to South Africa at least two girls could rid themselves of his unwelcome attentions. Another suffered more severely. After his conviction, following a trial in which no mention could be made of these things, it may be well to ponder on them.

And what of Gay Gibson?

In all the evidence not one thing emerged which could suggest that she was promiscuous. It is said that she told Dr. Schoub that she might be pregnant. We know that she was fitted with a contraceptive. It would be a strange thing if pregnancy (if a fact) and the fitting of a contraceptive should, *ipso facto*, be a sign of promiscuity. Dr. Schoub said that she seemed remarkably ignorant of sexual matters.

She had two years' excellent service in the A.T.S. In South Africa on the stage and broadcasting, she was never away one day from a rehearsal or a performance.

Her mother said of her "I am proud to be her mother. She was the finest type of English girlhood." Dr. Schoub said "She was a nice girl, a charming girl. I liked her." Her landlady in Johannesburg, with whom she lodged for months, says that she lived a regular, moral life. It seems a sad thing that the trial of Camb should in some ways have degenerated into a trial of the memory of the dead girl, but the defence had no alternative.

It was, however, Camb who was on trial, and when all the medical evidence was heard, together with all the other evidence from the A.T.S. and South Africa, the vital points for the consideration of the jury were

Who rang the bells and why?

Why did Camb throw the body overboard?

How did he come by the scratches on his wrists?

Where were the black pyjamas?

## James Camb.

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Where were the black pyjamas?

## Introduction.

Why, if Gay Gibson had died a natural death, had he not left her in the cabin?

Circumstantial evidence indeed, as evidence in so many murder cases must of necessity be, but adding up in the minds of the jury to one result—the verdict of guilty.

G. C.

LONDON, 1949.

## CHRONOLOGICAL TABLE

13th June 1926	Eileen Gibson born in India. As a child she came to England to be educated
1943	Called up for National Service
1945	Working at War Office
January 1946	Transferred to Stars in Battledress Played leading part in 'The Man with a Load of Mischief' on tour and in other productions
19th February 1947	Medical examination for compassionate release to join parents in South Africa graded Category A.W.1 (non tropical)
12th March 1947	Arrives with her mother in South Africa on board <i>Carnarvon Castle</i> joins father in Durban
April 1947	Goes to Johannesburg to broadcast and act.
End of July 1947	Meets Henry Gilbert producer, given leading part in <i>Golden Boy</i>
August, 1947	Rehearsals for <i>Golden Boy</i>
September 1947	<i>Golden Boy</i> opens
10th October 1947	Embarks on <i>Durban Castle</i>
18th October 1947	Disappears from ship
Night of 24th 25th October 1947	<i>Durban Castle</i> arrives at Cowes Roads
25th October 1947	Camb arrested
November 1947	Preliminary hearing at Southampton Camb committed for trial
15th March 1948	Trial opens.
22nd March 1948	Camb found guilty and sentenced to death
30th April 1948	Camb reprieved

# THE TRIAL

AT THE

HAMPSHIRE ASSIZES,

THE CASTLE, WINCHESTER

ON

THURSDAY, 18TH MARCH, 1948

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*Judge—*

MR. JUSTICE HILBERY

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*Counsel for the Crown—*

MR. G. D. ROBERTS, K.C.

MR. H. H. ELAM.

(Instructed by the Director of Public Prosecutions.)

MR. GEOFFREY CLARK.

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*Counsel for the Prisoner—*

MR. J. D. CASSWELL, K.C.

MR. T. J. MOLONY.

(Instructed by Mr. Geoffrey Wells, Solicitor, Southampton.)



First Day—Thursday, 18th March, 1948.

ARRAIGNMENT.

THE CLERK OF ASSIZE—James Camb, you stand charged upon the indictment with murder, and the particulars state that, on the 18th of October last year, on the high seas, you did murder Eileen Isabella Ronnie Gibson; to that charge do you plead guilty or not guilty?

THE PRISONER—Not guilty.

The jury were empanelled and sworn.

Opening Speech for the Prosecution.

Mr. ROBERTS—May it please you, my lord, members of the jury, you have just heard the charge. The prisoner here in the dock is charged with murdering on the 18th of October last year on the high seas in the Union Castle liner *Durban Castle* a young woman called Eileen Isabella Ronnie Gibson. Members of the jury, you will realize that it is part of our law that a crime committed on a British ship, wherever committed, is subject to the jurisdiction of the Courts of this country. The case for the prosecution is that the prisoner, a steward on the liner, in the early morning of the 18th of October last year, murdered this girl, and disposed of her body by casting it away into the ocean through a port-hole, the liner then being 90 miles from land in a shark-infested sea, or alternatively, that he cast her body into the sea when life was still in her body, he having overcome the resistance of the girl.

Members of the jury, to some extent this is an unusual case. There is no body here, no *corpus delicti* as the lawyers say. It is unusual, but by no means unprecedented. You will take all your directions concerning the law from my lord, but, subject to what my lord may say, the first question here is: Is the person named in the indictment dead? If so, members of the jury, the second question will be, at the end of this trial: Has it been proved that the prisoner murdered that person, Miss Gibson? Now, unfortunately there will be no doubt at all that Eileen Gibson is dead, and the question for you, the substantial question is whether the prosecution prove that the prisoner has committed the crime of murder.

## James Camb.

Mr Roberts

To save repetition I propose to refer to Miss Gibson as the deceased. It would be futile for me not to recognize that this case has aroused a great deal of public interest. You may have discussed it yourself, you may have heard other people discussing it, you may have seen press reports or articles about the case. But you will realize, sitting in that jury box, that you have sworn to try this case according to the evidence, so you will discard, I am sure, any previously acquired knowledge which you may have about it, and discard any impressions or opinions which any of you may have formed. You will decide this case solely upon the evidence which you will hear in this Court, and you will bear in mind at all times the guiding principle of our law, namely, that it is for the prosecution to prove the case beyond reasonable doubt before you find a verdict of guilty. If at the end, having heard all the evidence and the arguments on each side, and my lord's summing up, your minds are left in a state of real doubt as to whether his guilt is proved the prisoner is entitled to receive the benefit of that doubt and to be acquitted. Equally, members of the jury, if you, as reasonable sensible people called to administer justice as between the Crown and the accused after listening to all the evidence and drawing all proper inferences are satisfied from all the facts and circumstances that the prisoner is guilty of murder, I am sure you will have no hesitation in doing your duty and saying so.

Now, members of the jury may I tell you in a word about the deceased girl Eileen Gibson. In October, 1947, she was just over 21 years of age. She had been born in India, but she was brought to this country when she was four months old, and she was educated in this country. In 1944 she joined the Auxiliary Territorial Service—the A.T.S. as it is called. She was always fond of the theatre, and after being in the Service for some time she was drafted into the Entertainment Branch of that Service, and took part in plays and entertainments with the British Army on the Rhine, and in this country. She was discharged in February, 1947, so that she might go with her mother to South Africa, where her father was. She remained in South Africa some months. She had gone over in the *Carnarvon Castle* not a ship upon which the prisoner was serving, and she was in South Africa from February or March until October, 1947. She continued her stage career, she took part in two theatrical productions and she did a little broadcast work in South Africa. Then she embarked at Cape Town on the *Durban Castle* on the 10th of October last year, to all appearances a healthy girl, bright and cheerful, and looking forward to continuing her theatrical career in this country. She had as her cabin Cabin 126

# Opening Speech for the Prosecution.

Mr. Roberts

That was an outside cabin, on the port side. There are rows of cabins, half of which are outside cabins, which have their port-holes to the sea, so you will appreciate that this girl was in Cabin 126, an outside cabin, with the port-hole going on to the sea. That cabin you will hear is on a deck called B deck. You will get a plan of this liner later on, but meanwhile let me tell you that there are four decks, and going from the lower deck upwards, there is a deck where you get the third-class passengers; there is B deck, which is also called the shade deck where a number of first-class passengers are berthed, and there is some saloon accommodation. Then the next deck is C deck, where you get more first-class accommodation, and some accommodation for games; and the top deck is the promenade deck, in which you find the lounges, the smoking room, and above that is the boat deck and sun deck.

She was on B deck, the second deck from the bottom in the superstructure of this liner, and, as I have told you, on the port side. The prisoner was a deck steward, and his duties were to minister to the wants of the passengers in the saloons and the lounges, and on the deck. His duties were also to prepare trays to be taken to the cabins of passengers, but he had no duties in the cabins to any passenger either male or female.

Now, members of the jury, it seems quite clear that on this voyage, starting from Cape Town on the 10th of October last year, the prisoner was attracted to, or seems to have taken an interest in this girl, Miss Gibson. According to statements made by him later he twice took tea to her cabin until that was stopped, and a few days out from Cape Town he said to a stewardess, "Miss Gibson is two or three months pregnant by a married man." Now in justice to the memory of the dead girl I think you will be satisfied from the mother's evidence that that statement is not true. He has said that she told him so. You will hear that on the 17th of October, the day before Miss Gibson disappeared, at five o'clock he was surprised and apparently worried or put out when Miss Gibson did not send for her tea tray that afternoon, and you will hear that he had an interview with her at eleven o'clock. You will hear that he had an interview with her at eleven o'clock on the night of the 17th of October in her cabin, when, according to him, he asked the deceased whether she would like some lemonade or rum as she usually did before going to bed. And also at 12.20 in the early morning of the 18th of October, within three hours of her disappearance, he said to her, according to one witness, that he had a bone to pick with her because she had not sent for her tray that afternoon. Now, members of the jury, so far as the deceased was

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concerned on the last night of her life, she dined with her two table mates, a Mr Hopwood and a Wing Commander Bray. She danced three or four dances in a dance that was going on on the deck. She left Bray and Hopwood for about half an hour, and that is apparently when she went to her cabin and had an interview with the prisoner. She then came back to the smoking room, the promenade deck or top deck, and stayed there until about 12 40—twenty to one. Then Mr Hopwood took her down to her cabin and said good night to her. She went into her cabin and she was then wearing a black evening frock. She did not stay in her cabin then because about one o'clock in the morning she was seen by the boatswain's mate, a man called Conway, who was in charge of the watch and he was superintending the washing down of the decks, and he saw this girl standing by the rail smoking a cigarette, and he asked her to move lest she should get wet with their swabbing down the deck, and she moved away. So it would appear that Conway is the last person, except the prisoner, who is known to have seen this girl alive, or to have seen her at all.

Now, members of the jury, what about the movements of the prisoner? At half past twelve midnight he was in his pantry washing up glasses and there was a mate of his, a man called Pott, an assistant smoking room steward, and he offered to help, but the prisoner said, 'It is quite all right, I can finish off.' Pott and the prisoner shared a cabin together on the lowest deck, A deck. Pott went down and went to bed about one o'clock or quarter to one, and went to sleep, and the prisoner was not in his cabin when Pott went to sleep. Pott did not wake up until just on six in the morning, and the prisoner was then in his bed or bunk. It was about 12 30 when the prisoner was in his pantry. The next incident, and a sinister incident, in the story is that just before three o'clock—at 2 58 it is said—there was heard in the kitchen, or galley, as it is called, of A deck, the lowest deck, the ringing of the indicator bell in the galley, a ringing which indicated that someone was ringing from one of the passengers' cabins. There were two night watchmen there at the time, Steer and Murray, and Murray was the senior. The indicator indicated that the ringing was from B deck, the next deck up, and so Steer went up by the stairs to B deck to see from which cabin the bell had been rung and to see what was wanted. He went to the indicator on B deck on which he could see from which section of the ship the ringing had come, and then he went to the passage along which Cabin 126 is situated, and then he saw that both red and green lights were showing from Cabin 126, the two differently coloured lights indicating that both

## Opening Speech for the Prosecution.

Mr. Roberts

the stewardess and the steward had been rung for. The significance of these lights and their working will be proved, and here in my hand you see this bell panel which is situated by the side of the bed in the cabin as you will see from photographs which have been taken in the cabin. The green light was for the stewardess, and the red light for the steward. So it was obvious that both these bells had been pushed. So Steer went along to Cabin 126. He could see the light was on in the cabin. He knocked at the door but there was no answer. He opened the door and he saw standing in the cabin to the left of the doorway—standing in Miss Gibson's cabin—the prisoner James Camb, the man there in the dock, with a white singlet on the top part of his body, and dark trousers, blue or black. The prisoner said, "It is all right," and pushed the door to in Steer's face. There was not a sound from the girl. Well, Steer went down to the pantry on the deck below and reported the matter to Murray, and then both Steer and Murray returned to B deck and stayed at the end of the passage giving access to the cabin, a little uncertain what to do because it is not the business of stewards or ship's officers to interfere with the private morals of passengers. The light in the cabin was on, and there was no sound whatever from there, so they went and reported the matter to the officer on the bridge. They then came back and stayed there in the passage for a few minutes, until about ten past three; there was still no sound from the cabin though the lights were still on. They went away and came back ten minutes later, and then they found that the lights in the cabin were out, and all was silence and peace. At some time the prisoner must have slipped out of that cabin and gone back to his own sleeping quarters and he must have done that unobserved.

Well, members of the jury, as I have told you, at about six o'clock Pott, the prisoner's cabin companion, woke up, and the prisoner was there, and the prisoner got up too. There was one noticeable thing that morning. When the prisoner dressed he did not put on the white singlet which he usually wore in that warm locality on the top part of his body; he put on a white coat. At about half-past seven a stewardess, a Miss Field, went to the deceased's cabin to call her. She found one unusual thing, the cabin was not locked, so she entered, and she found the bed empty. It appeared to have been slept in, that is, it was a little disarranged, rather more so than it usually was. Miss Field noticed some spots, some stains on the pillow or the sheets, and she will say that those stains were not there when she made the bed the morning before. The black silk frock was hanging on the

## James Camb.

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wall of the cabin, but Miss Gibson's pyjamas and her flowered dressing gown were gone, they were both missing. A search of the ship was made, but nowhere could she be found. It will be proved by the captain of the ship that a loud speaker announcement was made, audible to everybody in the ship, that a first-class passenger, Miss Gibson, was missing, could *anyone give any* information about her disappearance, but no one gave any information. The captain then, in a vain attempt—a hopeless attempt—to find the body of Miss Gibson, reversed course, and for an hour this liner went back over its course. Then the hopelessness of the search was realized, and, after broadcasting a warning to all neighbouring vessels to keep a look out for the body, the ship resumed its course. Then the captain started to make inquiries as to the disappearance of this girl.

According to the statements which the prisoner has now made, and from his statement which he made to the police, he knew perfectly well what had happened to the girl, but you will hear, members of the jury, that in the next day or two he made five separate statements denying any knowledge of the matter, denying that he had been in the girl's cabin at all. On the 18th of October, the same day as the disappearance, to the captain he said, verbally, "I was not in any passenger accommodation since 12.45 on that morning." He said verbally to Conway, "I last saw her talking to two passengers on the promenade deck at eight o'clock." That night he said to the captain, verbally, "Why all this suspicion, let us get down to rock bottom," not suggesting for a moment that he knew what had happened to that girl. Then on the 19th of October, the next day after the disappearance, he made a written statement to the captain (Exhibit 9), and in that he wrote, "Sir, with reference to your question of yesterday, i.e., my whereabouts at approximately 3.00 a.m. on the 18th, I respectfully beg to state that after locking my deck pantry at approximately 1.00 a.m. I went forward to the well deck where I sat and smoked. I felt myself dozing off to sleep so first visited the toilet and then retired. After getting into bed I carried out my usual practice of smoking one cigarette. My last act was to wind my clock and the time then was a little after 2.00 a.m. I did not leave the cabin again until we were called at 5.45 a.m." That was saying again that he had not seen the girl after half-past twelve. Finally, he said to Steer—Steer being the man you will remember who opened the door of Cabin 126 at 3 a.m. in response to the ringing of the bell—he said to Steer (because he would not know whether Steer had recognized him or not) "Did you suggest that

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I was in the cabin at three o'clock in the morning?" and Steer said, "No." That was on instructions; he was told not to talk about it. The prisoner said, "I am in a tight jam; thank goodness I was not with her this trip homeward bound." What he meant by that, "this trip homeward bound," is a little difficult to understand, because, as far as is known, he was never on any ship with her before. He was certainly not on the *Carnarvon Castle* on her journey out to South Africa. It is again a clear denial that he knew anything at all about her disappearance. Those are five statements denying any knowledge of this matter. All those statements he now admits himself to be untrue, and, members of the jury, bear that in mind when you come to consider the value of his subsequent statements; bear in mind that his first instinct was to depart from the truth—I do not want to use hard expressions, but in plain language, to lie, and to lie five times about this matter. That was his first instinct, and you may ask yourselves why, if his conscience in this matter was clear.

Well now, members of the jury, on the 19th of October, he was examined, with his own consent, by the ship's doctor, and there were found various scratches and abrasions on him, some of which are not suggested as being material in this case; but there were found on the inside of the right wrist nine to twelve scratches from a quarter to half an inch in length, scratches in an oblique direction, scratches which the ship's doctor will say looked as if they had been caused by human finger nails, and which he will say do not at all resemble the sort of scratches which a man would inflict upon himself when suffering from irritation of the skin. The doctor did not find any indication of skin irritation there such as might have caused him to scratch himself. At midnight on the 24-25th of October the ship had arrived at Cowes Roads, and there came out to inquire and investigate this matter members of the Southampton Police Force. Detective-Sergeant Quinlan was in charge. He made various inquiries, interviewing the crew, and at 5.25 in the morning he saw the prisoner, and the prisoner then said, "I know nothing about it," and he repeated the same statements he had made to the captain about going to the well deck, smoking a cigarette, and so on, and he repeated the same statement that he had made to the captain about not seeing the deceased; in fact, the same untrue statement, and he gave the same explanation regarding the scratches on his wrist that he had given to the doctor, that he had scratched himself because he had suffered from skin irritation. Sergeant Quinlan told him, "I have reason to believe that you were seen in the cabin at three o'clock in the morning,"

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and the prisoner said, "Well, that has put me in a tight spot." The prisoner then went to the police headquarters at Southampton, and at 155 Sergeant Quinlan said to him, "I have now established that you were in her cabin at three in the morning." The prisoner said, "Well, I did not want to say it before Mr Turner"—he is the Union Castle Inquiry Officer at Southampton—"but I did go there at eleven o'clock about her lemonade and rum she collected it about 1 a.m. After that I went to the well deck and had a smoke before turning in," in effect making the same statement as he had done before in effect denying that he was in Miss Gibson's cabin at three o'clock on the 18th of October.

Then Detective Sergeant Gibbons who was at that time acting as Inspector, came into the room and pointed out to the prisoner what the evidence was, that it had been established by a witness that he was in the girl's cabin at three o'clock in the morning, that he had consistently denied it, and Gibbons pointed out that, if he had any explanation to give, these repeated denials might make it more difficult for him when he did come to give an explanation, and then the prisoner said "You mean Miss Gibson might have died, not being murdered, might have died from a heart attack?" You may think, members of the jury, that that was the first time that it had occurred to the prisoner to put forward that story on the evening of the 25th of October. He then made a statement after being cautioned and the statement was taken down. He was first told that he need say nothing unless he wanted to but that anything he did say would be taken down and might be given in evidence. Then he made the statement which is exhibit 24 in this case. It is not a very long statement but it is of vital importance, and therefore I think I should read it now. After having been given the caution, and signing it at the top of the form on which this statement was taken down he said "I have already stated to you that I went to Miss Gibson's cabin at about eleven o'clock on Friday, the 17th of October, 1947, and during the course of conversation with her I made an appointment to meet her that night. I knocked at the door after I had finished work about one o'clock but there was no answer. I opened the door of her cabin and found that it was empty. I then went forward to the well deck where I sat for about half an hour smoking. I then returned to Miss Gibson's cabin about two o'clock and found her there. After a short conversation I got into bed with her with her consent. Intimacy took place. Whilst in the act of sexual intercourse she suddenly clutched at me, foaming at the mouth. I immediately ceased the act, but she was very still. I felt for her heart beats but



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could not find any. She was at this time very still, and I cannot offer any explanation as to how the bells came to be rung, as I most definitely did not touch them myself. Thinking she had fainted, I tried artificial respiration on her. Whilst doing this, the night watchman knocked at the door and attempted to open it. I shut the door again, saying it was all right. Then I panicked as I thought he had gone to the bridge to report to the officer of the watch as I did not want to be found in such a compromising position. I bolted the door and again tried respiration. After a few minutes I could not find any sign of life. After a struggle with the limp body (by the way, she was still wearing her dressing gown) I managed to lift her to the port-hole and pushed her through. I am fairly certain that at the time she was dead, but I was terribly frightened. I then went forward and turned in. The time would be about 3.30 a.m. I have read this statement over myself and it is true."

That statement was taken between 7 and 7.30 on the 25th of October, in the evening, seven or eight days after this girl's disappearance through the port-hole, 90 miles from land. In that statement, as you will have noticed, he stated that he was responsible for that disappearance, having told one false statement after another to various people up to that time. Members of the jury, I will endeavour to analyse that statement after I have completed the story. He was asked if he wished to make any alteration or amendment in that statement, and he said "No," he agreed with it, and he said, "I am glad to get it off my mind." Later he gave consent to be photographed, and also to have his blood tested, and when he was signing that consent, according to a man Plumley, who is now no longer in the Southampton Police Force, the prisoner said, "She made a hell of a splash when she hit the water. She struggled. I had my hands round her neck; I tried to pull them away; she scratched me; I panicked and threw her through the port-hole." Now, members of the jury, whereas the written statement appears to say that when he threw her through the port-hole he was fairly certain she was dead, this further statement (if you accept that it was made, and it was only verbal) seems to say that she was thrown through the port-hole when she was alive, and alive to the knowledge of the prisoner.

Members of the jury, there was found on the sheets, or I think on the bottom sheet, some blood which could not be identified, there was not sufficient to enable its group to be determined. You may know that the blood of human beings can be identified in four groups, of which the main groups are terms "A" and "O." On

## James Camb.

Mr Roberts

the top sheet of this girl's bed there were some bloodstains which could be identified, and the expert who will be called will tell you that the blood belongs to "O" group. We do not know what the deceased's blood group was, but we know that the prisoner's group is 'A' group, and therefore those bloodstains on the top sheet of 'O' group were certainly not the stains of the prisoner. They were not there the previous morning when the stewardess made the bed, and you may possibly think that the only inference that you can draw is that they were stains of the blood of the deceased girl. You will not make up your minds until you have heard both sides, but, in my submission, when you have heard all the evidence the inference that you will draw will be that this girl objected to whatever advances the prisoner was making, and that she pressed both bells for outside help, she scratched the prisoner, and that for his self preservation he throttled her. You will hear from the medical evidence that in manual strangulation there will be a hæmorrhage and blood may be discharged from the mouth, and you may think that that being the position, that body being the most vital and deadly evidence against this man that it is possible to imagine, he took the only course which he could for the preservation of himself and put that body through the port hole. You may think that you can equally draw the conclusion that this girl, having objected, as I say, to his advances, he overcame her and rendered her past the power of speech or past the power to resist, and then, living, but unconscious, unable to resist, he destroyed the witness against him, the witness who could prove the crime of rape or attempted rape, he threw her, according to his second statement, into the ocean through that port hole.

Members of the jury, the prisoner, after seven or eight days, has put forward a defence, the defence that she died a natural death in his arms. Can you possibly accept that? Is there not one fact which is conclusive against it, the fact that the prisoner disposed of the body? If she had died a natural death in his arms, as he now says she did, what would have been easier for him than to have slipped unobserved from that cabin (as in fact he did) and then the next morning this girl would have been found in her bed, sleeping her last sleep, having died a natural death, a fact which any medical man could have established in two minutes. Can you imagine the prisoner, if that was the manner of death, going through the considerable physical effort to lift that lifeless body up, and then push her through that port hole some four and a half feet from the floor of the cabin? With what object? It is a matter entirely for you, but I respectfully submit that that is a conclusive

# Opening Speech for the Prosecution.

Mr. Roberts

fact against this suggested defence. Anxious as you are to do justice, can you imagine any other emotion which prompted this man to cast that body through that port-hole except the emotion of fear—cold fear—the fear of the murderer disposing of the body which would be deadly evidence against him, or the fear of the ravisher whose advances have been rejected disposing of the one witness who could give evidence against him? Well, those are the facts of this case, and as I say, the matter has to be proved to your reasonable satisfaction. If it is not so proved the prisoner is entitled to the benefit of every reasonable doubt. You will not, I am sure, make up your minds on this matter until you have heard all the evidence; you will not come to any hasty conclusion but you will reserve your judgment until you have heard all the evidence and all the arguments, and particularly my lord's summing up. Now, with the assistance of my learned friends, I will call the evidence before you.

## Evidence for the Prosecution.

ERNEST HENRY MINETT, sworn, examined by Mr. ELAM—I am a sergeant in the Southampton Borough Police Force, and on 26th October, 1947, I went on board the *Durban Castle*, which was then lying in Southampton Docks, and took certain measurements of Cabin 126 on B deck. This is an outside cabin, and the port-hole abuts on the sea. Exhibit 1 is a plan I prepared from these measurements, drawn to scale. Cabins 124 and 130 are inside cabins, and 126 and 128 outside cabins. Cabin 126 is 8 ft. 4 in. abaft, 8 ft. 6 in. athwartships and 8 ft. 5 in. from floor to ceiling. The port-hole is in the middle of the outer wall above the bed, and the lower edge is 4 ft.  $7\frac{5}{8}$  in. from the floor. The diameter of the port-hole is 1 ft.  $4\frac{3}{4}$  in. and it is recessed into the wall a distance of  $11\frac{3}{4}$  in.; it opens inwards and upwards. Exhibit 2 is a replica of the port-hole. The cabin door is on the inner side of the ship, and it swings away from the bed.

Cross-examined by Mr. CASSWELL—When the port-hole opens upwards it is held in position by a clip or hook?—Yes.

So that if once it is open and forced against the hook it remains open?—Yes.

When you took the measurements for the plan was there a curtain hanging just where the door is?—No.

Did you notice whether there was a rod for a curtain there?—Yes, there was.

## James Camb

Ernest Henry Minett

Will you point to the bed on your plan?—There was no bed in the cabin when I took the measurements, so I do not know where it was

When you prepared your elevation of the ship's side you showed two brackets there, do you suppose these were the brackets to which the bed was fixed?—Yes

So the head of the bed would be to the left?—Yes

And above there is a little recess in which books and such things can be kept?—Yes

This is an eight walled cabin?—Yes

There is one wall which is the ship's side, a short wall which abuts on the end of the passageway, another short wall in which the door is hinged, leaving five short walls all of which have other cabins against them?—I cannot say what is against the other walls, I did not examine the ship to that extent.

Did you test them to see what was the thickness?—No

Captain ARTHUR VICTOR GEORGE PATEY, sworn, examined by Mr ROBERTS—I live at Woolston, Southampton, am a ship's master employed by the Union Castle Line, and was captain of the *Durban Castle* on her voyage from Durban to Southampton in October last year. We left Durban on 3rd October, 1947, and Cape Town on 10th October. I produce a correct plan of the ship, exhibit 12, the left being the stern and the right the bows. Only the passenger accommodation is shown. On the top is the top deck, the sun deck. The next deck lower down is the promenade deck in which is the long gallery that passes between the first-class smoking room and the first-class lounge and library. On that deck there is a bar, a deck pantry, and swimming bath which is sometimes used at night in the tropics. Below that is C deck, the bridge deck, and below that again is B deck, the shade deck. Just to the left of the words "First Class" is shown Cabin 126. The inside cabins have a little narrow passage giving them access to a port hole. There are two cabins which have walls common with 126, namely, 128 and 124.

Is the doctor's accommodation shown on B deck if you go forward towards the bows of the ship?—Yes. I cannot say how far it is from the passageway to 126, but it is not very far.

Is that first-class entrance hall by the lift sometimes called the square?—Yes

Coming down to the A deck, or upper deck, is there a kitchen or galley there in that large space which has got no description on the plan between the tourist dining room and the first-class dining room?—Yes

## Evidence for Prosecution.

Captain Arthur V. G. Patey

Is there a bell indicator there?—Yes.

So that if at night someone in one of the cabins rings for a steward or a stewardess is the ringing reflected on that indicator?—It is. The bell indicator is just outside the pantry in the galley. The plan is not absolutely accurate, and is only for the use of intending passengers to show where they are getting accommodation.

What was the position of your ship at 3 a.m. on the morning of 18th October, 1947?—Generally, off the west coast of Africa, 90 miles from the nearest mainland.

Are those waters reputed to be safe for bathing?—No, they are not, they are shark infested.

In the early morning of 18th October did you receive a report that a first-class passenger was missing?—Yes, at 9.57 a.m.

Were you given particulars of her name?—Yes.

Did you make use of any appliance for broadcasting to the passengers and the crew?—Yes, I broadcast to the whole of the ship asking for information about Miss Gibson, that she was missing, and if anyone could give information to come forward.

That should have come to the ears of everybody on the ship?—Yes.

Did anybody come forward with any information?—No.

Did you, in an endeavour to do what you could to see if you could pick the girl up, reverse course?—Yes, when I had satisfied myself that Miss Gibson was not on board I reversed the course at 10.20 and sent a message to all ships asking them to keep a good look-out. After an inquiry and search I realized it was no use continuing the search, and I resumed course at 11.40. In the meantime I made inquiries into the circumstances of the disappearance.

Among others, did you see the prisoner James Camb?—I did.

What was his position on the ship?—He was a deck steward.

Has he any duty which would take him into passengers' cabins at all?—No.

When did you see Camb?—About 11 a.m. I told him that he had been suspected of being near Cabin 126 at 3 a.m. that morning, and I said, "Was it you?" He said he was not near any passenger cabin or passenger accommodation since he retired at 12.45.

That night did you see him about the question as to whether he would be medically examined or not?—Yes, he came to see me himself and asked why he had to be examined by the doctor on the Sunday morning. I told him he was suspected in connexion

## James Camb.

Captain Arthur V G Patey

with the disappearance of Miss Gibson and that in his own defence he should be examined. He said, "Thank you very much, sir." Then as he was leaving my cabin he muttered, "Why all this suspicion, let's get down to bedrock."

On 19th October did you get this letter, Exhibit 9, signed J Camb, Deck Steward?—Yes

Exhibit 9 reads "R.M.M.V. Durban Castle, Voyage 35, from Cape Town to Southampton, At Sea, To Captain Patey, Master, through Mr H Holfert Knight, Chief Steward, Sir, With reference to your question of yesterday, i.e., my whereabouts at approximately 0300 a.m. on the 18th, I respectfully beg to state that after locking my deck pantry at approximately 0100 a.m. I went forward to the well deck where I sat and smoked. I felt myself dozing off to sleep, so first visited the toilet and then retired. After getting into bed I carried out my usual practice of smoking one cigarette. My last act was to wind my clock and the time then was a little after 0200 a.m. I did not leave my cabin again until we were called at 5.45 a.m. I am, sir, yours faithfully, (Signed) J Camb, Deck Steward." Is that the letter which he gave you?—Yes

I think you received another letter from him, Exhibit 10?—Yes. He first of all handed me a written statement, and I had copies made of this statement of his, and then I asked him up and read it over to him and I asked him to verify the correctness of it. He said he was satisfied, and then he signed it.

Exhibit 10 reads "Captain Patey, Master, Sir, At your request I was fully examined by the surgeon, Dr Griffiths, and he found some slight scratches on my left shoulder and wrist, also a few on my right wrist. These were self-inflicted three or four nights ago whilst in bed. I was feeling terribly hot and itchy, and I must have scratched myself during my sleep. I remarked during the following morning that I'd damned near scratched myself to death, though at the time of writing these marks are fastly healing. Also early last week I broke a small patch of skin on my neck by a too-vigorous rubbing with a very rough towel. With the friction of the neck band of my white jackets this is still a little irritant. You will receive a report on to-day's examination from the surgeon. I am, sir, yours faithfully, J Camb, Deck Steward." That is Exhibit 10?—Yes

When did you go to Cabin 126 after the disappearance of this young woman?—About 12 noon on the same day, 18th October

At that time was the bed in the cabin made?—Yes, it had been made before the importance of the matter was fully appreciated

Did you lock the cabin up?—Yes. I put an additional lock on,

## Evidence for Prosecution.

Captain Arthur V. G. Patey

and kept the keys in my safe. I handed the keys over to Sergeant Quinlan on arrival in Cowes Roads.

Had the cabin been opened from the time you locked it until the time you handed the keys over to Sergeant Quinlan?—No.

Do you produce Exhibit 11 which is a Certificate of Registry of the *Durban Castle*?—Yes, that is a true extract from the Register of British Ships, kept by the Registrar of Shipping; it is dated 31st October, 1947, and shows that the *Durban Castle* is registered in London.

Cross-examined by Mr. CASSWELL—What was the weather like then?—It was fine weather, light winds, and a temperature of approximately 80 degrees.

It would not be unusual for first-class passengers to have the port-holes of their cabins open?—No.

What amount of freeboard is there between this port-hole and the water-line?—Approximately 25 ft.

What speed were you travelling at?—Our normal cruising speed, 17.9 knots.

At that speed I suppose she would be making a fair bow wave?—Yes.

That goes back and meets the side of the ship and so there would be a certain amount of noise?—Yes.

In addition, just behind the bridge is there a funnel which acts as a filter to the dynamos, and is there a continuous noise going on through that funnel while you are travelling along?—Yes.

So it would be quite impossible to hear from the bridge the noise of a body being tipped into the sea from a port-hole?—Yes.

Did you interview Steer, who spoke of seeing someone in that cabin at 3 a.m., first of all, or Camb?—Steer.

He did not know who it was?—He said it resembled Camb, the deck steward. He said at first it was Camb, and then I said, "Did you actually see him?" and he said no he only saw the back of his head and body, and he described the singlet and trousers he had on, and in that case I said it had better be that the man in the cabin resembled Camb the deck steward.

Did he say to what extent he had opened the door?—He said he had got the door open a few inches, sufficient to see the back of his body.

Would the night watchman have to report to the bridge periodically through the night?—Yes.

Did he report that night about 3 a.m.?—Yes.

When he was reporting did he mention that there was a man in Cabin 126?—That is correct.

## James Camb

Captain Arthur V G Patey

If he had reported that it was a deck steward in 126 I presume investigations would have been made at once?—Yes

A deck steward has no right in a first-class cabin, more especially one occupied by a lady?—That is so

If Camb had been found in that cabin would he have been dismissed the ship?—He would have been logged for that, his book endorsed, and finally dismissed

Would he continue to receive pay?—His pay would go on normally

But the result of that logging would be that he would never get another position in any reputable line?—I would not like to say that, but I expect he would find it difficult to get another job

His discharge book would be endorsed?—Yes

On this plan we see in what is called A, or the upper deck, something which we are told is a galley and there are all sorts of enclosures surrounding it none of which have doorways Is the whole of that enclosed space the galley?—The centre space is the galley, but part of it is 'uptake' from the engine room The square spaces marked at the ship's sides are rooms connected with the catering department

Is not the indicator, which has been called a bell indicator, a buzzer?—I cannot answer that.

If one goes forward from the galley to go up to the next deck one has to go through swing doors leading into the first-class dining saloon, up a short flight of stairs and along a short passage and up another flight?—That is right.

On B deck would one then find the indicator which would show where the bell had been rung, whether port or starboard, just opposite the first-class hall?—Yes

Would somebody getting up there see a light in the passage showing which cabin the call had come from?—Yes, the light would show outside the cabin and also at the end of the alleyway

The walls and doors of these cabins are not very thick Can ordinary conversation be heard from one cabin to another?—Loud conversation

If anyone in one cabin called out it could be heard in the next cabin?—Yes

On your plan are the beds marked A and B?—Yes

The heads of these beds are up against the bulkhead which divides one cabin from the next?—Yes, in some cases

When you went to that cabin would you describe it as being in an immaculate condition?—Yes



## Evidence for Prosecution.

Captain Arthur V. G. Patey

Was there any sign of a woman having fought for her life or any struggle having taken place?—No.

Re-examined by Mr. ROBERTS—If a deck steward were to be found in the cabin of a female passenger would he never get another job on any reputable line?—No, I would not say that; it would be dependent on circumstances.

Your duty would be merely to log him for misbehaviour?—Yes.

You would not dismiss him?—No.

And he would thereafter go on doing his job for the rest of the trip?—Yes.

Who would deal with him with regard to the entry in the log?—The shipping master when the ship arrived in a home port. The shipping master would act on my report, and he might be fined and his discharge book endorsed. The company's catering department would actually decide whether to dismiss him.

Generally speaking are ships' officers concerned with passengers' morals?—With discretion.

But certainly they would be if one of the crew was involved?—Yes.

JOHN TREVOR ADDIS, sworn, examined by Mr. ELAM—I am a detective-constable in the Fingerprint Department of the Southampton Borough Police Force. At 8.15 a.m. on 25th October last I went on board the *Durban Castle*, then lying in the docks at Southampton, and went to Cabin 126 on B deck where I saw Detective-Sergeant Quinlan. He indicated a palm print on the door to me, and we removed the door to police headquarters where I photographed the palm print. Exhibit 3 is the photograph which I took and which I later handed to Sergeant Quinlan. I took certain other photographs on the vessel which, amongst others, are included in the book of photographs, Exhibit 5. The first photograph in this book is that of Cabin 126 taken from the open doorway, and shows a wash-hand basin on the right of the wardrobe in the centre. The second photograph is another view of the same cabin taken with my back to the wash basin showing the bed in the centre with the port-hole above. On the extreme left of the photograph are three bell-pushes, the top one to the bedside light, the second for summoning the steward and the bottom one for summoning the stewardess. The third photograph taken from the foot of the bed shows part of the head of the bed, the panel with the light and the bell-pushes, the dressing table and the mirror

## James Camb

John Trevor Addis

above it, and on the left the door closed. Photograph 4 is another view of the interior of the cabin taken from the foot of the bed. Photograph 5 was taken very near the wash basin and shows the head of the bed and the port hole. Before this photograph was taken Stewardess Field arranged the bed and bedclothes in the condition they appeared when she went into the cabin on the morning of 18th October. Photograph 6 is also taken from near the basin and shows the foot of the bed and port hole. Photograph 7 shows the recess to Cabins 126 and 128 taken from the passageway running down the ship. It shows the red and green coloured lights on the board marked "126". Photograph 8 shows the port alleyway which gives access to the recess in Photograph 7. At the alleyway end of the recess there are lights. Photographs 9 and 10 show the port hole of Cabin 126 taken from outside.

In Cabin 126 did you remove some fibres adhering to the brass ring on the edge of the port hole?—Yes, I put them in a glass file, Exhibit 19, and handed them to Sergeant Quinlan. There were several on the inner edge of the brass ring and several right on the outer edge.

Did you take two photographs of portions of the accused's body, Nos. 11 and 12 in Exhibit 5?—Yes, later on the evening of the same day.

After he had given his consent?—Yes.

What are these photographs?—No. 11 is the right forearm of the accused, and No. 12 the left shoulder.

Did Sergeant Quinlan also hand you a photograph of a girl?—Yes, Photograph 12 in Exhibit 5, which I enlarged.

On 27th October did you take Exhibit 6, a palm impression of the accused's left hand?—Yes, I handed this to Sergeant Quinlan.

Cross-examination by Mr. Casswell.—I suppose when you took those photographs Miss Field had done what she could to put the whole room in the same condition as she had found it when she went into it on the morning after the disappearance of Miss Gibson?—Only in Photographs 5 and 6.

In that cabin there was luggage, the dressing table and the bed, so there was not much spare space, was there?—No, but there was a reasonable space.

And there are a great many projecting edges and corners. Did you examine those to see if you could see any other fibres on them?—Only the port hole.

Those fibres must have taken some finding. I suppose you could see them against the light?—Yes.

## Evidence for Prosecution.

John Trevor Addis

There are quite a lot of sharp edges in the cabin. The knobs on the four posts of the bed have square corners which I suggest might collect fragments of fibre, or pieces from garments if there was a fierce struggle going on in the cabin?—Possibly, but in my opinion they would not have caught there.

The bell-push in a private house on shore is very often flush with the woodwork but these bull-pushes in Photograph 3 project, do they not?—Yes.

If one were to lean against these pushes they would be liable to ring?—They would.

The top one is the bedside light, and that may be important. Pressing that puts on the bedside light?—Yes.

There was no curtain hanging up inside the door?—No.

Had Miss Field arranged the pillows as well as the bed?—As far as I know, yes.

What negative did you take these photographs of the accused with?—With an orthochromatic plate. It shows the red.

Was that so that any marks would show up abnormally dark?—No, so that they should show up naturally. Marks on flesh taken with a panchromatic plate would show up so light that they would hardly be visible at all.

Does the photograph show pretty accurately which were visible to the naked eye?—Yes.

SIDNEY BIRCH, sworn, examined by Mr. ELAM—I am a chief detective-inspector of the Fingerprint Department of New Scotland Yard where I have been for nearly 26 years. On 27th October, 1947, I received from Detective-Sergeant Quinlan Exhibit 3, a photograph of the palm print of the door of Cabin 126 of the *Durban Castle*, and Exhibit 6, impressions of the left hand of the accused. I handed both these exhibits to Detective-Superintendent Percy Law and later received from him some enlarged photographs, Exhibit 7. I have marked on both enlargements on Exhibit 7 twenty ridge characteristics which are in agreement. The palm impression found on the door of Cabin 126 is an identical palmer imprint of the prisoner.

PERCY LAW, sworn, examined by Mr. ELAM—I am a detective-inspector for the Photographic Department of New Scotland Yard, and on 27th October, 1947, I received from Chief-Inspector Birch Exhibits 3 and 6. Exhibit 7 is a photographic enlargement I made of these two exhibits.

FRANK WILLIAM MONTAGUE HOPWOOD, sworn, examined by Mr.

## James Camb.

Frank W M. Hopwood

ROBERTS—I am an official of the Union Castle Line, and embarked at Cape Town on the *Durban Castle* on 10th October last, homeward bound to Southampton. I was travelling as a first-class passenger and was allotted a seat at the same table as Miss Eileen Gibson. I recognize Photograph No. 13 in Exhibit 5 as that of Miss Gibson whom I had a good deal to do with because we had all our meals at the same table.

Generally speaking, how did she appear to be?—She was rather depressed at times, but she improved later. She appeared tired.

On Friday, 17th October, the night before she disappeared, did you dine at the same table?—Yes, with Wing-Commander Bray.

After dinner what did you three do?—We went into the long gallery on the port side of the promenade deck for coffee. There was a dance on the promenade deck on the starboard side which commenced about eight o'clock. I do not dance.

Did Miss Gibson dance?—Yes, she had one dance with Wing-Commander Bray and she danced also with two other passengers, I believe.

Was she drinking a lot?—No, during the whole evening she had only two or three drinks. She smoked very little.

Did she leave you at any time during the evening?—Yes, once for about half an hour just after 11.30.

Did she return to you and Wing-Commander Bray?—Yes, in the smoking room.

How long did you stay there?—Until just before twelve, I think, when we went out on deck and leant against the rail until roughly 12.40.

There will be evidence by some other witness that at 12.20 the prisoner James Camb spoke to her. Did you notice that?—No.

And then you took her down to her cabin?—Yes. I did that each night, turned the lights on, said good night and then went back to my cabin.

That is the last you saw of her?—Yes.

Cross-examined by Mr. CASSWELL—Do you know that Wing-Commander Bray is ill?—Yes, in hospital.

He was a member of the party who kept together during the voyage and shared that table in the first-class saloon?—Yes.

Do you remember an occasion when this girl was wheezy and said she would have to take her injection?—That is correct.

Did you ask her anything about these injections?—No, but she said they were something to do with her vocal cords.

It was very noticeable, this wheezing?—No, I do not think so.



MISS EILEEN ISABELLA RONNIE GIBSON.

## Evidence for Prosecution.

Frank W. M. Hopwood

Did you notice it on more than one occasion?—No.

You have said before that she did not take very much exercise nor any part in games?—No.

That night she only danced about three times. Did she make any excuse for not dancing much?—No, but there was not much dancing.

You used to go to her cabin quite frequently?—No, I just took her down at night to see her to her cabin.

And never in the day-time?—No.

What was her usual hour for turning in at night?—I should say round about 11.30.

On this particular night it was considerably later?—Yes, it was a very hot night.

Did you find her a person easy to get on with?—Yes.

Was she inclined to speak about her life?—She was inclined to speak about her official stage career.

Would you agree she was a person who told you about herself quite soon after you had struck up an acquaintance?—No, I would not say soon after.

How soon after 10th October were you friendly?—We were friendly from the beginning.

You had not seen her before?—No, never.

When you took her down do you remember seeing this man on board at all?—Only on his duties.

One of his duties would be to look after the wants of the passengers on the promenade deck, and I dare say you saw him there?—Yes.

Do you remember seeing him at all on that night we have been talking of?—Yes, while the dance was on, and that was from eight until eleven I think.

Did you see him go up to speak to Miss Gibson?—He may have done, but I did not see it.

Now I want to ask you specially about an incident when you, Wing-Commander Bray and Miss Gibson were sitting in the corner of the smoking room immediately facing the long gallery, the night of the dance, a Friday evening?—Yes.

I suggest that it was that night that she appeared to be wheezy, holding her hands to her chest, and when she spoke about her vocal cords?—I cannot be certain, but I do not think it was that night.

Did she put her hands to her chest after this wheezing?—I do not think she did.

I suggest that she put her hands to her chest and said it was her vocal cords?—I cannot remember that.

## James Camb.

Frank W M. Hopwood

Did she find the dance hall so hot and tiring that she only had three dances?—She did not say so, but there was no one else to dance with

How old is Wing Commander Bray?—I think he is round about 43

She had no young men friends there, had she?—No

When giving evidence before the magistrates you spoke about having noticed her finger nails. Did you notice that they had changed their normal colour to grey?—No, I think I used the phrase "muddy coloured"

You noticed that change?—She showed them to me

What I was asking you is whether they were sometimes normal and sometimes they changed colour?—Yes, that is true

You said that she appeared tired?—Yes

Or depressed?—No, I would not use that expression

Fatigued?—Yes, it may be, worried I would say

By Mr JUSTICE HILBERY—Or bored?—It may be Some mornings she was not with us, she stayed in the lounge and would not come on deck

Was there any reason for her to be worried?—None at all as far as I can make out.

*Cross-examination continued*—Was that her normal condition, or did she appear worried some days and not on others?—She was more or less like that all the time, with the exception of one evening when she seemed to brighten up.

Did she have drinks occasionally to cheer her up?—Yes, but she did not drink much

What was her complexion like?—Rather pale

Did you notice for how long the muddy colour lasted in her nails?—No

How often did you notice it?—She only drew my attention to it on one occasion

Did she give you any explanation?—I am not quite certain

Did you know that after you had seen her to her cabin she was seen leaning on the rail of the promenade deck, and the boat-swain had to ask her to move?—No, I did not know that.

You did not know that it was her intention to come out of her cabin again after you had seen her there apparently for the night?—No

When you left her did you think she was going to bed?—Yes

Did you hear her lock or bolt her door when you left?—I cannot remember

## Evidence for Prosecution.

Frank W. M. Hopwood

Re-examined by Mr. ROBERTS—What time of day was it when your attention was drawn to her finger nails?—It was after breakfast when we were up on deck.

And her nails were an odd colour?—They were a muddy colour that morning.

Did you see that at any other time?—I think that was the only occasion I saw them like that.

WILLIAM ALBERT GRAVENOR POTT, sworn, examined by Mr. ELAM—I am an assistant smoking room steward in the *Durban Castle* and live at Portsmouth. At the time Miss Gibson disappeared I was sharing a cabin with the prisoner, Camb, whom I recognize in Court. My cabin was on A deck, forward.

Did you see Camb at all during the night of Miss Gibson's disappearance?—Up till 12.45, which was the last time I saw him.

Where was he when you last saw him?—In the deck pantry on D deck. This was between the bar and the band repeater room. I was outside the pantry and he was inside washing up glasses. I asked him if he wanted a hand, and he said it was all right, he could manage. I then went away.

Did you know Miss Gibson by sight?—Yes.

Did you see her at all that night?—Yes, about 12.45. When I left the deck pantry I saw her looking over the side of the ship on the same deck, the promenade deck. She was with Mr. Hopwood and Wing-Commander Bray.

Did you stay on that deck?—I went below to bed.

When did you next see the accused?—The next morning in his bed in our cabin just before 6 a.m.

Had you heard him come into the cabin during the night?—No.

What time do you usually get up?—Roughly 5.45.

Did you see him get up?—No.

Did you see him later the same morning?—Yes.

What was he wearing?—A white coat.

Did he usually wear that white coat in the morning?—Only to proceed to work. We usually took our coats off to make it easier to work; it is very hot.

Did he usually wear the white coat?—Not during the usual routine work of cleaning up and preparing for the day.

What did he usually wear on the upper part of his body?—Either a singlet or a shirt.

Cross-examined by Mr. CASSWELL—You say this was unusual, to see him working in a white coat?—Yes.

I suppose the reason for asking this question is that if he was



## James Camb.

William A. G. Pott

wearing only a shirt his forearm would be visible?—I should think so

Did he wear shirts with long or short sleeves?—Usually a vest with no sleeves

Do you remember him wearing a coat on other mornings?—No

You are employed in the smoking room at the end of that long gallery, and Camb's headquarters would be the deck pantry through the alleyway beside the bar?—Yes

Did you ever see Camb speaking to Miss Gibson there?—No

You saw her at a quarter to one on the morning of 18th October?—Yes

Was it unusual for him to be working as late as that?—No

In fact, he would be working from 6 a.m. until midnight or after?—Sometimes you get relief in the afternoons

He normally would have a mate?—Yes

Did he know the mate had been taken off to another job while the ship was coastwise?—Yes

There is a box that they call the bottle box somewhere near the bar. Have you seen drinks left there from time to time after the bar was closed?—No

You did not notice whether there was an alarm clock on that box that night?—I did not notice it.

Having spoken to Camb and offered him help which he said he did not want, which side did you go out?—On the starboard side.

You said these people were leaning over the rail on the same side of the ship as the deck pantry. Were they near the deck pantry?—Quite near

I suppose the first-class passengers would see quite a lot of Camb and often pass by his pantry?—Yes

WILLIAM ALLAN CONWAY, sworn, examined by Mr ELAM—Until 25th October last I was employed as boatswain's mate on the *Durban Castle*. I remember the night of 17th 18th October last when one of the passengers disappeared. I was on duty from midnight till 4 a.m., the middle watch

Do you recognize photograph 13 in Exhibit 5 as one of the passengers?—Yes

Did you see that girl at all that night?—Yes, I had occasion to speak to her at roughly one o'clock that night on the after end of the promenade deck on the port side. I was engaged with the working party washing down the port side. She was leaning on the rail smoking a cigarette, and was wearing a black evening dress and she had on silver-coloured dance shoes. She would have got wet if she had remained there, so I directed her to the midships

## Evidence for Prosecution.

William Allan Conway

on the port side of the promenade deck. She said she found it rather warm down below and I advised her to sit in one of the deck chairs.

Did you ever see her again?—No.

Do you know the accused, Camb?—Yes, but not very well.

Did you see him later that same day?—Yes, at about 2 p.m. when I had the afternoon watch. I said that it was sad about the lady passenger that was missing, and he said yes. I asked him what time he saw her last, and he told me he saw her around midnight talking to two gentlemen passengers on the starboard side of the promenade deck.

Cross-examined by Mr. CASSWELL—You did not often come across Camb in the course of your duties?—No.

You say that on this occasion you saw her on the port side, and he said he had seen her on the starboard side?—Yes.

You said he said she was talking at twelve with two gentlemen; may he have said half-past twelve?—Yes.

Was there anybody else at all on the promenade deck when you saw this lady?—As far as I know there was myself and the working party.

We have evidence that she was taken to her cabin at a quarter to one, so if you saw her about one she must have come out again?—Yes.

Did she say anything about that?—She said she found it too hot down below; we were in the tropics then.

For how long were you talking to her?—A very short time, about two minutes. I directed her to go further down, and she went towards where we had already washed down.

She may have stayed there for a bit, but you did not see her?—No.

And that was all you saw of her?—Yes, she bade me good-night and carried on.

FREDERICK DENNIS STEER, sworn, examined by Mr. ELAM—In October last I was a night watchman on the *Durban Castle*, and from midnight on the night of 17th-18th October last I was in the first-class pantry until 3 a.m. This pantry is on A deck and is part of the galley between the first-class and tourist dining saloons. I was doing nothing in particular. Mr. Murray was with me.

Did something happen about three o'clock?—Yes, two bells rang from Cabin 126 to the first-class pantry.

How did you know that a bell or bells had rung?—By looking at the indicator on the next deck, B deck.

## James Camb.

Frederick Dennis Steer

Does something happen in the first-class pantry on A deck?—No, we only hear the bells. The bells are switched over every night at ten o'clock when we go on duty and in the morning they are switched off again.

Does anything happen in the first-class pantry when the bell is rung?—No, there is only the sound of the bell and no indicator.

Where does the bell come from?—Directly from the cabin.

Did you hear something from the deck above?—Yes.

What makes the noise down on A deck?—The bells ringing.

That draws your attention?—Yes.

Where is that situated?—It is in the first-class pantry just outside the first class dining saloon.

Do you know where the saloon bar and the chief steward's office are situated?—The office would be on B deck, and the saloon bar is between the long gallery and the smoking room.

Is the indicator in the first-class pantry on the wall?—Yes, it is square and there is nothing remarkable about it.

Does it make a sound when the bell rings?—Yes.

So that you know a bell has been rung somewhere?—Correct.

What happens in the first-class pantry, or outside, to call your attention?—We simply hear a bell ringing on the wall outside.

Was there a sound of bells about three o'clock in the morning on this particular night?—Yes, it approximately 3 a.m.

What did you do about it?—Directly the bell rang I went up two flights of steps to B deck and looked at the indicator board there.

When you emerge from the steps on B deck are you in what is called the square, or the first-class entrance hall?—Yes.

Where is the indicator?—In the first-class entrance hall, as you go up the last steps you turn right, and it is just round the corner. It has a fairly large indicator showing red and green lights on the wall.

If somebody rings a bell do these red and green lights become illuminated?—Yes, if both bells are rung.

Looking at that indicator can you tell whereabouts in the ship the bell or bells have been rung from?—Yes, definitely.

Is that indicator divided into sections to show to anybody looking at it in what section of the vessel the bell has been rung?—Yes.

Did you look at it?—I did.

From what section of the ship was that call coming from that night?—From Cabin 126 on B deck.

How many lights were showing?—Two, red and green.

## Evidence for Prosecution.

Frederick Dennis Steer

Showing that both bells had been rung?—Yes.

Can you tell from the indicator how long the bell has been rung for?—No.

Having looked at the indicator, where did you go?—Straight to Cabin 126.

Were there any lights showing at the end of the alleyway, in what I call the passage?—Yes, red and green.

Where did you go and what did you do?—I went straight to Cabin 126 and knocked on the door and tried to open it.

Were there any lights on in the cabin?—Yes.

What happened, exactly, when you knocked on the door?—I opened the door about a couple of inches, and the door was shut in my face by a man's right hand.

Could you see anything except your own vision of a man's right hand?—All I saw was a man's face and his right hand; he faced towards me as he shut the door.

Can you say what the man was engaged in, or was wearing?—He had a singlet, a brown belt and a pair of blue trousers.

Who was it?—The prisoner in the dock.

Did you know the accused on the vessel?—Yes.

Did he say anything to you?—He just simply said, "All right," and closed the door.

Did you, or were you able to enter the cabin at all?—No.

What did you do after he shut the door?—Immediately he shut the door I went to head watchman Murray who was still in the first-class pantry and made a report.

As the result of your report did you both go somewhere together?—Yes, we went straight back to the cabin.

When you went down in the first-class pantry again was there any sign on the indicator board then?—No.

When you went up to B deck together did you look at the indicator there at that time?—No, we went straight to the cabin.

Did you touch the bells or lights at all on either of those visits to the cabin?—No.

Can you switch the lights off by pressing them?—Yes, you touch the front of the lighted coloured glass and push it back.

What happened when you and Murray got to the door of Cabin 126?—The light inside the cabin was out.

Is there a wooden grille over the door of the cabin so that you can see from outside whether the lights are on or not in the cabin?—Yes.

And you say that when you and Murray returned to the door of Cabin 126 the lights were off inside the cabin?—Yes.

## James Camb.

Frederick Dennis Steer

minutes to get to that cabin door?—I did, but I did not take any particular notice of the time then. Directly I heard the bell I went to the cabin as quick as I could get there.

MR JUSTICE HILBERY—What I have on the depositions is "You have to go up about a dozen steps and walk about a couple of yards to get from the pantry to the indicator board, it would take longer than half a minute to get from the pantry to the indicator board and then to Cabin 126, I am not acting on instructions when I say three or four minutes."

Cross-examination continued—You do not say now it is three or four minutes, do you, having thought it over?—Definitely not.

Of course, when you had the conversation with Camb in your own mind you were definite that Camb was the man you had seen there?—Yes.

And you have told us that you had received certain instructions?—Yes.

Did you take any note of what was said to you by Camb?—Not at the time, but I wrote it down afterwards and took it to the captain.

He asked you if you had told anybody that you had seen him in the cabin?—Yes, words to that effect.

Before the magistrates did you not say, "The accused spoke to me and asked me if I was the person who suggested he was there at three o'clock in the morning"?—He said something like that.

Did he accuse you and ask you whether you were the man who suggested he was in the cabin?—He did not accuse me at all, he simply asked me.

Did it strike you as funny that he should talk to you about "This wayward bound"?—It did, rather.

Are you quite sure he used those words?—Definitely.

Did you make a note of this?—Yes.

When you looked into the cabin which light was it that was on?—I did not have any time to notice anything much.

I suggest to you that it was the bedside light which was on?—

That is not my

The man was between you and the light?—The man was

the door

not look to see that.

above it

## Evidence for Prosecution.

Frederick Dennis Steer

Showing that both bells had been rung?—Yes.

Can you tell from the indicator how long the bell has been ringing for?—No.

Having looked at the indicator, where did you go?—Straight to Cabin 126.

Were there any lights showing at the end of the alleyway, in what I call the passage?—Yes, red and green.

Where did you go and what did you do?—I went straight to Cabin 126 and knocked on the door and tried to open it.

Were there any lights on in the cabin?—Yes.

What happened, exactly, when you knocked on the door?—I opened the door about a couple of inches, and the door was shut in my face by a man's right hand.

Could you see anything except your own vision of a man's right hand?—All I saw was a man's face and his right hand; he faced towards me as he shut the door.

Can you say what the man was engaged in, or was wearing?—He had a singlet, a brown belt and a pair of blue trousers.

Who was it?—The prisoner in the dock.

Did you know the accused on the vessel?—Yes.

Did he say anything to you?—He just simply said, "All right," and closed the door.

Did you, or were you able to enter the cabin at all?—No.

What did you do after he shut the door?—Immediately he shut the door I went to head watchman Murray who was still in the first-class pantry and made a report.

As the result of your report did you both go somewhere together?—Yes, we went straight back to the cabin.

When you went down in the first-class pantry again was there any sign on the indicator board then?—No.

When you went up to B deck together did you look at the indicator there at that time?—No, we went straight to the cabin.

Did you touch the bells or lights at all on either of those visits to the cabin?—No.

Can you switch the lights off by pressing them?—Yes, you touch the front of the lighted coloured glass and push it back.

What happened when you and Murray got to the door of Cabin 126?—The light inside the cabin was out.

Is there a wooden grille over the door of the cabin so that you can see from outside whether the lights are on or not in the cabin?—Yes.

And you say that when you and Murray returned to the door of Cabin 126 the lights were off inside the cabin?—Yes.

## James Camb.

Frederick Dennis Steer

What did you do?—We stayed outside the cabin for about ten minutes, and Murray went to report to the officer on the bridge. I remained at the end of the alleyway until Murray came back.

Did anything happen at all while you were waiting?—Nothing whatever.

When Murray came back did you both go away?—Yes.

Did you see the accused, Camb, at all after that?—About two days afterwards in the crew wash house, forward.

Did you have speech with one another?—He asked me if I had told anybody about him being in the cabin, and, on certain instructions which I had given to me I said no. He said, "Thank goodness I have not been with her homeward bound this trip." He also said, "I am in a right jam."

Did anything else pass between you?—The last thing he said to me was that he had had a medical.

Meaning a medical examination?—Yes.

Cross-examined by Mr. Casswell—It is not a bell, it is a buzzer that goes outside the pantry—is it not?—Well, you can hardly call it a bell or a buzzer.

It is not the sort of bell that one finds in an ordinary house?—No.

As soon as you hear that you know that somebody is ringing a bell, or is pressing a button somewhere in the ship?—Yes.

You then have to go fairly fast, and you find yourself at the top of the steps and then there is an indicator that you see on B deck?—Yes.

Are you prepared to say that on that indicator board on B deck at the top of the steps it gives the numbers of the cabins?—Yes.

I suggest that you do not know what cabin it is which is ringing until you get to the end of the particular alleyway in which the cabin is, and then you can see the two lights a little way along the alleyway, and you do not know until you have got to the actual recess looking towards the two cabins as to which of them has rung the bell?—I say we know which cabin it is.

I do not want to argue with you about it, but I suggest that if you do not see the number on the indicator you would not know where to go?—Yes, you would.

If somebody has pressed a steward's button you see a red light in the alleyway?—Yes.

And it does not tell you until you get to the alleyway, and

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Cabin 126 on the *Durban Castle*, showing the position of the bell pushes relative to the bed and dressing table.



## Evidence for Prosecution.

Frederick Dennis Steer

then you see whether the light is on the right or on the left?—Yes, correct.

I suggest that it was not until then that you knew it was Cabin 126 that had rung? (Pause.) Well, I will not argue on that point. When you heard this buzzer on that night did Mr. Murray say, "Go and see who that is"?—No, I went myself without him telling me to go.

I suggest to you that to do that journey would take you under a minute?—Yes.

When you reached the door of Cabin 126 was there any noise going on inside?—No noise whatsoever.

The bell goes, then you are at the door of the cabin within a minute, and there is no noise inside whatsoever?—No noise whatsoever.

Was the door locked?—No.

Did you knock?—Yes, I knocked before I opened the door.

You did not wait for a reply?—No.

Then you opened the door. Was there a curtain there?—No.

So there was nothing to obstruct your view at all?—Nothing at all.

You have told us that you opened it about two inches?—Yes.

Did you notice anything about the room?—I did not have a chance to look at the room; when I opened the door a man's right hand came up and shut it in my face.

What interval elapsed between the opening and the shutting of the door?—I would say a split second.

Before you got that door more than two inches open up comes a hand and shuts it and a voice says, "All right"?—Yes.

Then you went to Murray and you said, "There is Camb in that room"?—Yes.

You told him definitely that it was Camb?—Yes.

Because the captain has told us that when he saw you you said there was somebody in there who resembled Camb?—No, I did not tell the captain in the first place, he asked me three times before I told him.

Did you finally tell him that it was somebody resembling Camb?—No, I told him it was Camb.

Did he say, "We had better put down 'someone resembling Camb' "?—Yes.

You told me just now it took you under a minute to go up from the first-class pantry to Cabin 126. Do you remember this gentleman (Mr. Molony) cross-examining you before the magistrates and did you say to him that it took you from three to four

## James Camb.

Frederick Dennis Steer

minutes to get to that cabin door?—I did, but I did not take any particular notice of the time then. Directly I heard the bell I went to the cabin as quick as I could get there.

Mr JUSTICE HILBERY—What I have on the depositions is “You have to go up about a dozen steps and walk about a couple of yards to get from the pantry to the indicator board, it would take longer than half a minute to get from the pantry to the indicator board and then to Cabin 126, I am not acting on instructions when I say three or four minutes.”

*Cross examination continued*—You do not say now it is three or four minutes, do you, having thought it over?—Definitely not.

Of course, when you had the conversation with Camb in your own mind you were definite that Camb was the man you had seen there?—Yes.

And you have told us that you had received certain instructions?—Yes.

Did you take any note of what was said to you by Camb?—Not at the time but I wrote it down afterwards and took it to the captain.

He asked you if you had told anybody that you had seen him in the cabin?—Yes words to that effect.

Before the magistrates did you not say, “The accused spoke to me and asked me if I was the person who suggested he was there at three o'clock in the morning”?—He said something like that.

Did he accuse you and ask you whether you were the man who suggested he was in the cabin?—He did not accuse me at all, he simply asked me.

Did it strike you as funny that he should talk to you about “This trip homeward bound”?—It did, rather.

Are you quite sure he used those words?—Definitely.

You made a note of this?—Yes.

When you looked into the cabin which light was it that was on?—I did not have any time to notice anything much.

I suggest to you that it was the bedside light which was on?—I could not say.

This man was between you and the light?—The man was standing on the left hand side of the door.

What light was behind him?—I did not look to see that.

When the door is shut there is an air filter or grille above it with no glass?—Yes.

## Evidence for Prosecution.

Frederick Dennis Steer

So that if any noise was going on inside the cabin you ought to be able to hear it standing just outside?—Yes, quite plainly.

You did not stay there for any length of time when the door was bolted against you but went straight down to Murray?—Yes.

Murray came up with you then and there you stayed for about ten minutes?—Yes.

What happened?—Mr. Murray went and tried the door; the door was locked, and the light was out in the cabin.

There was no noise and no light?—No.

And you say the door was locked?—Murray tried it and could not open it; I should say it was either locked or bolted.

Can you lock the door from the inside?—If you have a key you can, but if you have not got a key it is fastened from the inside with a bolt.

Would a deck steward have a key to that cabin?—He should not have.

Would a cabin steward have a key to it?—I suppose the cabin steward and stewardess should have pass keys.

JAMES ALFRED MURRAY, sworn, examined by Mr. ROBERTS—I am senior night watchman on the *Durban Castle*, and in the early morning of 18th October, 1947, I was in the galley of A deck with Steer. At 2.58 we heard ringing just above our heads where we were sitting. It was the indicator bell in the first-class galley, and it rang, I should say, from a second to a second-and-a-half.

Did Steer at once go up to investigate?—Yes.

Did he come back and say something to you?—Yes.

As a result of which where did you and Steer both go?—I immediately went with Steer to the vicinity of Cabin 126.

What did you see?—I saw nothing except that the green light was on, and the red light was on also, which was unusual. Both bells had been rung.

Was the light on in the cabin?—Yes.

At that time, or at any time, did you try the door?—No.

Did you go somewhere to report?—Yes, to the second officer on the bridge.

Where did you go then?—I came back to the vicinity of Cabin 126.

Was Steer there then?—No, he had gone round to the clock then.

How long did you stay outside Cabin 126?—I suppose about four minutes. I was standing right outside the door.

Was the light on or off then?—The light was on.

## James Camb.

James Alfred Murray

While you were there did the light always remain on?—Yes

Then did you go away?—Yes

Did you come back later?—Yes, in about ten minutes or a quarter-of an hour

Was the light on in the cabin then?—No

Was there any sound?—No, nothing whatever

Would that be about 3.20 in the early morning of 18th October?—Yes.

The night before had you seen the prisoner, Camb, talking to anybody?—Yes, I saw him talking to Miss Gibson between 11 and 11.20 in the long gallery on the promenade deck

Did you hear any part of what was said?—Yes, Camb said to Miss Gibson, "I say, I have a bone to pick with you, and a big one at that."

Did you hear anything more?—No, I just carried on with my duties

*Cross-examined by Mr Casswell*—Did you on one occasion have cause to go to Miss Gibson's cabin?—Yes I cannot say what day, but it was after we left Cape Town. The bell was rung and when I went up to answer she said would I please ask the deck steward if he had forgotten her tray. It would be between ten and half past ten at night

Did she say anything to indicate which deck steward she meant?—Yes, Camb

He would have no right to go to a lady's cabin, would he, not even to take a tray there?—No

I suppose you did not tell him to go?—I sent Steer, my assistant, on the message

I presume when cabin stewards are off duty it is the night watchman's duty to be informed, and to carry out the orders, and that is the reason why the bell is switched into your first-class pantry?—Yes

What sort of a ring was it on the bell?—It was a loud blast

Did you say anything to Steer?—I told him to go and answer the bell

When he gets up these steps on to B deck he sees first the indicator. Would that show him the number of the cabin?—Yes

Every cabin?—Yes

Does it show simply the section of the ship in which the bell is rung or does it show the number of the cabin?—The section of the ship

## Evidence for Prosecution.

James Alfred Murray

It shows where the bell has been rung on the port side, midships, or on the starboard side?—Yes.

Having seen that, he would know that it was in the port alleyway?—Yes.

When you go along the port alleyway you come to where the light is on and then you would know which cabin it was?—Yes.

When Steer had gone up there, as was his duty, he told us it would take him under a minute. How long was he away from you before he came back?—Three or four minutes.

Did he tell you Camb was in the cabin?—Yes.

He named him?—Yes.

Did he not say he thought it was Camb?—Yes.

Did you report to the officer on the bridge who it was that was in the cabin?—No.

You did not want to get Camb into trouble?—That is right.

Having heard from Steer that Camb was there you went straight up to the cabin with him?—Yes.

Did you go right to the door of the cabin?—Yes, I went to the door of the cabin and switched off the bell light.

You said the light was then still on in the cabin. Could you see whether it was the bedside light or whether it was both lights?—I think it was the main lights from the deckhead, or the ceiling as you would call it.

Would I be right in saying that five minutes after the blast on the bell you arrived at the cabin?—Yes.

Did you try the door?—No.

Would Steer be wrong if he says you did try the door?—I did not try the door.

The lights were still on?—The first time, yes.

Did you tap on the door?—No.

Then you stood there not making any noise yourself and listening?—Yes.

In giving evidence before you said you waited at the end of the passage until ten-past three. If the bell had gone at 2.58 you would be there a little bit after three and you waited until ten-past?—Correct.

The light was on in the cabin all that time?—Yes.

And there was no noise from the cabin?—None whatsoever.

Did you remain outside the cabin at the end of the passage?—

## James Camb.

James Alfred Murray

I remained outside the cabin about three seconds and then I tip-toed back to the end of the passage

There was nothing to warn anybody inside the cabin that you were there?—No

You were there listening carefully until ten past three, and then you were due to report to the bridge?—Yes

You did make a report?—Yes

What happened to Steer in the meantime?—Steer went round the ship to patrol round to the clock

Then he did not wait either?—No

What time did you get back to that passageway?—At 3 20

Then about ten minutes had elapsed when neither you nor Steer were there?—That is right

When you got back at 3 20 was the light in the cabin on or off?—Off

Did the remark you heard Camb say to Miss Gibson strike you as an unusual one for a deck steward to be passing to a first-class passenger?—It did

It came as a bit of a shock to you?—It did

Had you seen them talking together before?—No

When do you go on duty?—At ten o'clock every night.

You would not know what Camb was doing in the daytime?—No

When giving evidence before did you say that you had seen Camb talking to Miss Gibson on two or three occasions?—Yes, just passing the time of the evening

After you had come on duty?—Yes

Did you never hear him say anything definite before?—No

You do not know what she said in reply?—No

Had you been accustomed to take trays to Cabin 126?—Steer had on three occasions

At what times?—Always after I had come on duty

Who would get those trays ready?—Camb, the deck steward

If the lady wanted a drink after the bar closed would the drink be left out?—If it was ordered by the smoking room steward, yes

And it would have to be drawn by Camb before 11 30?—Yes

By Mr JUSTICE HILBERY—I suppose she could get the drink taken to her in her cabin?—If a drink is ordered by any passenger

## Evidence for Prosecution.

James Alfred Murray

to be delivered in their cabin whoever gets the order they have to pass that on to the night watchman; they are not allowed to deliver any drinks in the cabin.

From whom would the night watchman receive the drink?—Whoever had the order, whether the smoking room, lounge, or deck steward. He would bring the drink to the night watchman.

*Cross-examination continued*—When you reported to the bridge for quite an intelligible reason you did not mention Camb's name, but merely said there was a man in the cabin?—Yes.

You led the officer to believe it was a passenger?—I expect so.

Is there any suspicion that a passenger had been in that room before?—Not to my knowledge.

Did the officer say he was not there to look after the passengers' morals?—No, he asked if there was anything they could do about it.

What exactly did he say?—He said that he could not interfere with the passengers' morals.

Re-examined by Mr. ROBERTS—Out of kindness of heart were you trying to shield a fellow member of the crew?—I think you can put it that way.

I am not criticizing you, but were you shielding Camb?—Yes.

EILEEN ELIZABETH FIELD, sworn, examined by Mr. ELAM—I am a trained nurse and stewardess employed by the Union Castle Line and live at Portsmouth. I was on the *Durban Castle* when she left Cape Town on 10th October, 1947, and amongst others looked after Miss Gibson in Cabin 126 on B deck. Photograph No. 13 in Exhibit 5 I identify as Miss Gibson. I came on duty about six in the morning, was off in the afternoon from two till five, and was on duty again from five until nine. I remember the night of 17th-18th October when Miss Gibson disappeared.

Do you know the accused Camb?—Yes, casually.

Had you ever spoken to him prior to that night?—Yes.

Do you remember speaking to him in reference to Miss Gibson?—Yes, in his pantry on D deck about three or four days before she disappeared. It was about 5 p.m. I took Miss Gibson's tray up and there was some general conversation, and he said did I know Miss Gibson was pregnant three months, and I happened to say if it was true it was a dangerous thing to say, or words to that effect.

## James Camb

Eileen Elizabeth Field

Did he say how he knew about this?—Yes, he said Miss Gibson told him herself

Did anything else pass between you and Camb on that occasion?—Not to my knowledge

Where were you about five o'clock on Friday, 17th October last, the day she disappeared?—I was on the square of B deck

Was Camb there?—Yes, I asked him if he was waiting for Miss Gibson's tray which she had not had that afternoon. He said he could not understand it. I think I said that if he would go to the cabin I would report it to the chief steward. I said it more or less jocularly. I had no idea that he would attempt to go to the cabin, and it was said in a friendly tone

When Miss Gibson had a tea tray who prepared it for her?—I believe Camb prepared the tray as deck steward

Who would later take it to her cabin if she had it there?—Whoever was the steward on duty that afternoon, the day watch

Would you take it?—No

Did Miss Gibson get her tea tray that afternoon?—No

When did you last see Miss Gibson?—On Friday, 17th October, roughly about 6.45 in the evening, she was then dressed ready to go to dinner and the dance which followed. She had a black evening frock on

How did she seem from a health point of view?—In my opinion she seemed very well, very happy and very cheerful

When you last saw her did you notice anything unusual about her at all?—Nothing unusual whatever

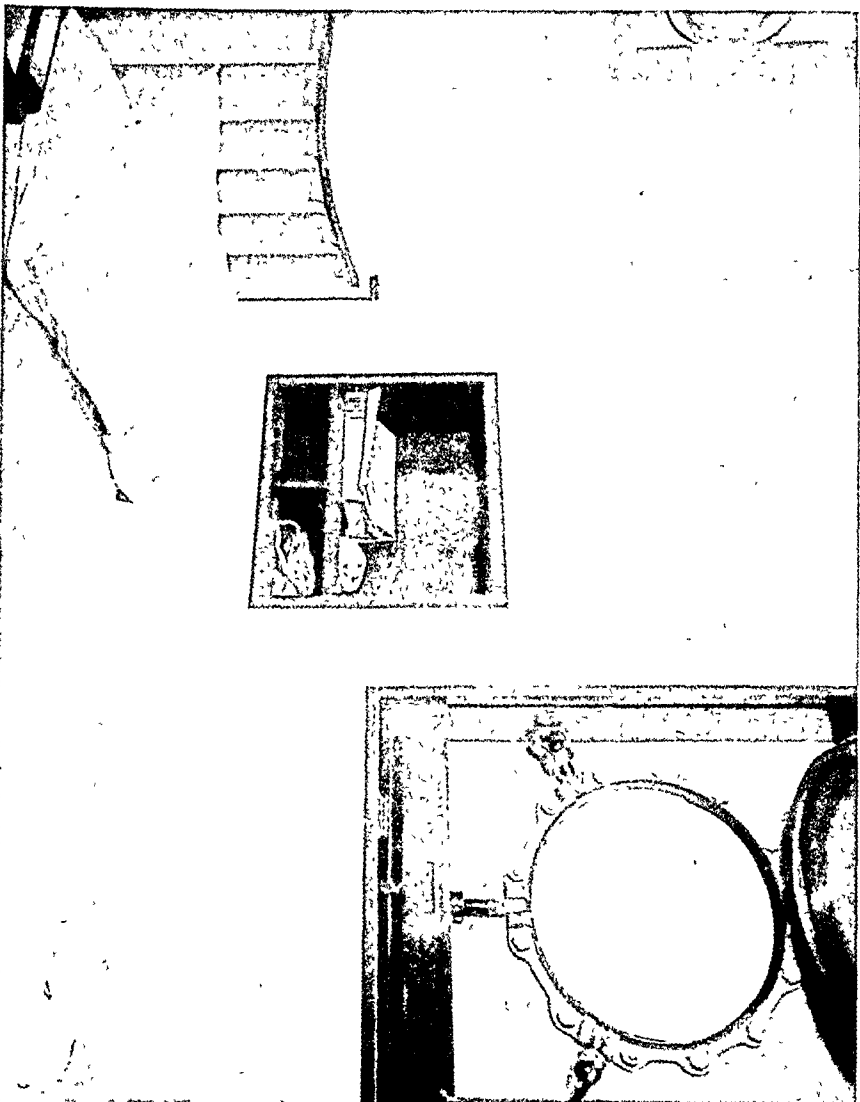
Did you go to her cabin the following morning, 18th October, somewhere about 7.30?—Yes, at the usual time to call Miss Gibson I had not been there since the previous day. I knocked on the door. There was no answer, and I tried the door handle, it was unlocked, which was unusual because she always locked her door after we left the cabin. I always knocked and then waited until she got up and unlocked the door

Was there anybody inside the cabin when you went in on this morning?—No, the cabin was empty

Did you notice anything about the bed?—It was a little more disarranged than usual, there were one or two stains on the pillow and on the sheet, but I did not take much notice of them at the time. The clothes were pulled back to the foot

Is Exhibit 14 the pillow?—Yes, there were one or two slight marks on it





Cabin 126 on the *Dunbar Castle*, showing the bed and the port-hole.

## Evidence for Prosecution.

Eileen Elizabeth Field

Were there stains on Exhibit 15, the bottom pillow?—Not to my knowledge.

Was anything on that sheet, Exhibit 16?—I noticed just a few stains on the bottom.

You noticed that the bedclothes had been pulled right back, and then you made that bed in the cabin?—Yes.

Had you made it up as usual the previous day after it had been slept in the night before?—Yes.

Had you noticed any stains on the top pillow or bottom sheet then?—No, only a little face powder.

In what condition was the port-hole when you went into the cabin?—It was open.

There was nothing unusual in that?—No, not in the tropics; most of the port-holes would be open, and it had been open on other mornings.

You said that you saw Miss Gibson the previous evening, and that she was then wearing a black dance frock?—Yes, I saw it hanging up at the foot of the bunk. Miss Gibson had a habit of leaving it on a hook, and then afterwards hanging it in the wardrobe.

Was any article of apparel missing from the cabin?—Yes, Miss Gibson's pyjamas and also her dressing-gown were not anywhere to be found.

Was any other article of apparel missing?—Not to my knowledge.

Did you tidy the cabin a little?—I just straightened the bunk a little; I did not realize that Miss Gibson was missing at that time.

If a passenger wanted to go to the lavatory they would have to go out of the cabin?—Yes.

And in such circumstances you would find the door of the cabin unlocked?—Yes.

But Miss Gibson did not come back to the cabin, and it was then realized that something was wrong?—Yes.

Did you wait in the cabin?—No, I asked the bathroom steward if Miss Gibson had had her bath. Then I asked one or two people, and as nobody had seen her I began to wonder where she was and I made a report.

Do you remember the police coming on board on 25th October when the vessel was moored at Southampton dock?—Yes.

## James Camb

Eileen Elizabeth Field

Prior to Photographs 5 and 6 of Cabin 126 being taken did you try to make the bed as near as you found it on the morning of 18th October?—Yes, as near as I could

On the morning of 18th October did you notice anything else unusual in the cabin?—No

Was there any disorder?—Not apart from the bed being a little more disarranged, the cabin did not look any different

Is Exhibit 8 similar to the panel in Cabin 126 at the head of what was Miss Gibson's bed?—Yes

The top one is the light switch, and the two bottom ones are the bell pushes for the steward and the stewardess?—Yes

Do the bells operate separately?—Yes

You have to ring both to get the red light and the green light on at the same time?—Yes

Usually it is one or the other that is put on?—Yes

By Mr JUSTICE HILBERY—Is there sufficient space for you to stand between the chest of drawers and the head of the bed?—Yes, you can stand between the wardrobe and the bed and the chest of drawers and the bed

Have you tried to ring the bells from the bed?—Not actually from the bed myself

Cross examined by Mr CASSWELL—On that voyage was Cabin 130 occupied?—No, 124 was occupied but not 130 128 was not occupied either

Was 124 a double cabin?—Yes

Was there not somebody in 128?—I do not think so, but I may be wrong

Did you make the beds?—If I did it must have been a gentle man, but to the best of my belief 128 was empty

If there was somebody in 128 the heads of their beds would be almost touching?—No, there is a small corridor there which leads off the cabin

Cabins 126 and 128 are at the end of this little passage, and 130 and 124 are just off a fairly narrow passage-way I suggest that in 126 and 128 the beds, if it were not for the bulkhead, would be touching?—They might do so, but I am afraid I have never thought of it. I may be wrong, but to the best of my belief 128 was empty

## Evidence for Prosecution.

Eileen Elizabeth Field

If you lean against these bell pushes that would put them on—there is no rim round the push to prevent that, is there? Have you known them to be put on by accident?—I don't remember.

It is possible that someone may have knocked something over on the dressing table against them?—That would explain one light, but I have never known two of them on together.

If something was knocked over on the dressing table so that it fell over against them it is not likely that that would knock both of them?—That is so.

Anybody in the cabin who got between that dressing table and the bed might lean against those two bell pushes without knowing it?—Yes.

It would be a very awkward place for anyone to want to get into?—Yes.

Very little room in the cabin, and that space very awkward for anybody who wanted to get in there?—Yes.

By Mr. JUSTICE HILBERY—You call that a dressing table?—Yes, there are three drawers in it.

*Cross-examination continued*—If somebody in that cabin were to press those bells without meaning to, he or she would not hear any bell going?—No.

And unless they went outside they would not know that there were any lights on?—No.

Am I right in saying there were no deep impressions on these pillows when you found them?—When I went in they looked as if somebody had been to bed there that night, as if somebody's head had been on the pillow.

Did you know that the only stains on the pillow was a tea stain and a trace of lipstick?—I heard that at the Magistrate's Court.

You did not notice any stain on the upper sheet at all?—No; really I did not take a great deal of notice.

They were not very big stains and there was nothing in them to arouse your suspicion that something unusual had happened?—No.

From Photograph No. 6 it looks as though nobody had tried to cover up the stains; they must have been visible when the sheets were pulled back like that?—Yes.

There was a good deal of stuff in the room and you did not notice anything disarranged which would make it look as if there had been any violence going on there?—No.

## James Camb.

Eileen Elizabeth Field

Was it only that afternoon you have been talking about that you knew first that Camb knew something about Miss Gibson's tea trays?—Yes, Camb had been given an order to get a special tray ready

Did you know that she had a special tray got ready for her nearly every afternoon?—Yes I believe Mr Hopwood had left word that Miss Gibson would have tea every afternoon in her cabin

How did you come to speak to Camb about it?—I used to take the tray from Miss Gibson's cabin because the tray belonged to the top deck and normally we would leave the trays there before we went off duty

Miss Gibson's tray would come from the deck pantry?—Yes

Was that usual?—No, but if a special tea tray had been sent down to a cabin I used to take the tray up to the deck pantry afterwards at 5 o'clock.

Did you know why it came from the deck pantry instead of the usual way?—No

It was not because she specially wanted Camb to get it ready for her?—I should not think so I take it Camb would do it because he would be on tea watch.

That afternoon you had no tray to take up, and Miss Gibson said, 'I did not have my tea tray this afternoon'?—Yes, that is how I knew she had not had it.

And so you went and spoke to Camb about it?—No, he happened to be on the square about 5 o'clock with one or two other people

He said he could not understand it, and you said, "She probably did not want it"?—Yes

What made you make the remark that if he was going to her cabin you would have to report it?—You do not go to a passenger's accommodation unless you have cause to

Why did you suggest to Camb that he might be going there?—I thought he was waiting to see Miss Gibson

Although you said it with a smile you really thought he might be going to her cabin later?—Yes

Had you any reason to think that?—None whatsoever, really

Had you seen him speaking to Miss Gibson before?—No

You really cannot tell us why it crossed your mind that Camb might be going down to her cabin?—By the conversation before I thought they might be a little friendly

## Evidence for Prosecution.

Eileen Elizabeth Field

This conversation came after the one in which he said she was pregnant?—Yes.

That conversation in which she had been talking to him quite intimately was only two or three days after she had come on board?—Yes.

That must have struck you as strange?—It did.

Did Camb tell you any more of his conversation with her?—No.

How came you to warn him that you would report him to the chief steward?—I only happened to mention it.

It would be rather embarrassing for Camb to be reported to one of the officials?—I suppose it would.

I am wondering how this conversation started between you and Camb. He did not come up to you and start talking about Miss Gibson?—No; I took Miss Gibson's tray up and Camb was washing up, and I said, "This tray is returned with Miss Gibson's compliments." It was a trifling conversation as I was putting down the tray, but I remember we mentioned she was a nice girl, but what else was said I cannot remember.

Suddenly a man, who cannot have known that girl more than three or four days at the outside, says, "She is three months pregnant," and you said he ought to be careful about repeating such a thing as that?—Yes.

It seemed as if he had been having a very intimate conversation with her?—It crossed my mind that they might be a little friendly.

Had Miss Gibson in fact returned the tray with her compliments?—No, that was my way of putting it.

Usually when you went to Cabin 126 in the morning she had to open it for you?—Yes.

It was usually bolted and you could not open it from the outside?—Yes; we do not encourage passengers to bolt their doors in case of emergencies, but she insisted on bolting her door because we had so few passengers in that section and she said she was nervous.

It is dangerous in case of fire or anything like that to bolt the door, and you explained that to her, but that was her answer?—Yes.

Before she went to sleep she bolted her door?—Yes.

On this occasion it looked as if she had not bolted her door, or had left the cabin early in the morning?—Yes.

## James Camb.

Second Day—Friday, 19th March, 1948

Dr ANTHONY JOHN MARTIN GRIFFITHS, sworn, examined by Mr ROBERTS—I live at Appledore, Devonshire, and am a ship's surgeon. I acted in that capacity on the *Durban Castle* on her voyage home from Cape Town last October. On 19th October I examined James Camb. I told him that it was suggested that he should be examined by me, but that he could refuse to be examined, but that if he did refuse an entry to that effect would have to be made in the ship's log. He consented to be examined.

Did you find marks on three parts of his body?—Yes, there were some on the right side of his neck, over the posterior triangle (that is the rear part of the neck overlying the shoulder). I found several scratches about 1 inch in length, these overlay a group of circular abrasions about  $\frac{1}{4}$  inch in length. In my opinion these scratches were inflicted later than the abrasions. The scratches were fine, and similar to those inflicted by a cat's claws. They were in parallel lines from before backwards and downwards. Camb stated that all these lines were due to the use of a harsh towel. In my opinion these injuries were more recent than the abrasions.

Can you from your knowledge and experience express an opinion whether the scratches that you saw on the accused were consistent with the use of a harsh towel?—The abrasions, yes, the scratches, no.

How many scratches were there?—I think between six and nine.

How could they have been caused?—By some sharp projection or object, a cat's claws are very improbable, but something very similar to that.

What other injuries did you find?—On his left shoulder, between the outer third of his collar bone, there were several superficial scratches about one inch or less in length. In my opinion these lesions were at least three, or possibly more, days old. Camb stated that he had scratched himself one night in bed, an explanation which I had no hesitation in accepting.

Was there any reason from the condition of the skin why he should have scratched himself?—I could find no evidence of skin disease.

No source of irritation?—No.

On which side of the neck was the first injury you have dealt with?—On the right side.

What next did you observe?—On the front of his left wrist there were several abrasions. These had the appearance of spots which had been scratched several days previously. The scabs were

## Evidence for Prosecution.

Dr. Anthony J. M. Griffiths

dark in colour and were firmly adherent. Those lesions were superficial. They suggested scratching with finger nails.

Did it suggest skin disease, or some similar source?—No. The lesions were not raised, but the little round scabs were similar in appearance to what is seen when spots are scratched. There was no raising above the level of the skin as spots are raised, but I would not say they were not originally spots which had been scratched; the conditions were highly suggestive that they were spots which had been scratched.

How old did you consider those scratches on the left wrist?—Probably more than three days.

They looked as if they had been caused before the night of 17th-18th?—Yes.

How old were the superficial scratches on the left shoulder?—I thought they were at least three and possibly more days old.

As if they had been caused before the 18th October?—Yes.

What about the marks on the left side of the neck, on what you called the posterior triangle?—I thought the abrasions were at least three days old but that the scratches were probably more recent.

Could the scratches have been caused on the early morning of the 18th?—I think it is fair to say they could have been.

Where were the last markings?—On the front of the right wrist there were several scratch abrasions between one quarter and half an inch in length. They went across the front of the tendons and tended to radiate obliquely towards the thumb, running across the wrist. There were between nine and twelve separate injuries there.

How could they have been caused?—They were entirely consistent with scratches that are caused by finger nails. I put them each at between 12 to 48 hours old previous to my examination at mid-day on the 19th.

That is consistent with them having been caused in the early morning of the 18th?—Yes.

Did the prisoner say anything about those marks?—He said that two days previous he had been woken up in the night with severe itching and had inflicted these scratches on himself.

In the area of these scratches did you see any sign of skin disease or of anything which would have caused irritation?—No.

Cross-examined by Mr. CASSWELL—When were you qualified?—October, 1942.

Have you spent many years at sea?—About two and a half.

Have you ever had a private practice?—No.



## James Camb

*Dr Anthony J M Griffiths*

Look at photograph 12 of Exhibit 5 Does that photograph show what you found?—No, the scratches I found were behind the collar bone not in front.

These we see on the left shoulder are quite marked abrasions, but you say they were not the ones at all?—No

Do you know why that photograph was taken?—No

You made a report about the right shoulder, were those scratches behind the shoulder?—They were really on the back of the neck There is no photograph of those

Did you consider that those were suspicious?—I could not account for the fine scratches

You did not associate them with finger nails?—No

You are not expressing any opinion as to how the scratches or the abrasions on the neck were caused?—That is so

In Photograph 11 we can see marks which are not exactly on the wrist, but higher up Are those the ones to which you were referring?—Yes

Did you measure them to see what length they were?—No

Would I be right in saying that not one of them was more than half an inch in length?—Yes, but I am a little doubtful about the one nearest to the elbow

Is that photograph which we see the full extent of the scratch?—No, not after the lapse of seven days

Look at your report which deals with the anterior aspect of the right wrist "There was a collection of scratch abrasions about a quarter to half an inch in length These abrasions appear to have been recently inflicted, one in particular was about half an inch long and had a pale delicate scab attached"—That is the one nearest to his elbow

That is the one you said was about half an inch long when you examined him the day afterwards?—Yes

Do they all show or had some of them disappeared by the time the photograph was taken?—I think some of the more superficial ones had disappeared

Did you see these scabs or scratches again after you had made your first examination?—No

Is it the fact that some people heal more quickly than others?—That is so

In judging the length of time that has elapsed since an injury was inflicted you would have to take that into consideration?—Yes

You took that into consideration, and you formed the opinion that that scar had been recently inflicted?—Yes

## Evidence for Prosecution.

Dr. Anthony J. M. Griffiths

You did not know if that man was a quick healer or a slow healer?—That is so.

By Mr. JUSTICE HILBERY—Is the whole of the scab pink?—Some of it is a delicate yellow.

*Cross-examination continued*—Does that mean that there would be some pus underneath?—No; when a scab forms it begins as a pale yellow and as it ages it gets darker until it is almost dark brown.

It was still pale seven or eight days after?—I did not see him then.

Look at the photograph, it is considerably paler is it not?—I think this is consistent with the appearance when a scab has separated from the skin. It has the appearance of newly healed skin rather than a scab.

From the appearance it might be newly inflicted when the photograph was taken?—No. I would expect a larger inflammatory area around it if that were so.

What I suggest is that this man must be rather a slow healer if the scab shows in that photograph seven or eight days later?—I do not think so.

This does not show in length dragging as if somebody had clutched the arm and dragged their nails across?—I had no doubt in my mind that they had been caused by finger nails.

I suggest that these marks are consistent with a sudden clutching and not a dragging across of the nails. Do you agree that they are more in the nature of indentations than scratch marks?—I think they are much too long for mere indentation.

Are you certain that these injuries on the right had been all inflicted at the same time?—I thought so.

Are they consistent with the man's arm having been gripped tightly and then having been freed?—Yes.

If Professor Webster is of the opinion that these injuries were caused by convulsive gripping of that wrist would you agree with him?—I should bow to his superior knowledge.

By Mr. JUSTICE HILBERY—Against that you have the advantage of having actually seen the injuries?—Yes.

*Cross-examination continued*—The knowledge of what it looked like the day after is yours, but have you ever had to deal with a case of what I understand here is alleged, throttling, and scratching by the victim to release the throttling hand?—No.

## James Camb.

Dr Anthony J M. Griffiths

So that you would not be able to say whether it is usual to find marks, say, high up the arm in such a case?—No

In the Court below you said, "So far as the neck and shoulder are concerned these injuries might well have been self inflicted. It is difficult to account for the fine scratches, but they could have been self inflicted," and then, "One of the scratch abrasions on the right wrist was a definite breaking of the skin"?—Yes

You said that one of them might have bled, and probably did bleed, and that one would be that which looks in the photograph like a light scab?—Yes

Re-examined by Mr ROBERTS—From your observation on the morning of 19th October, in your opinion, were those marks caused by gripping or dragging?—Gripping with some movement following

What explanation did the prisoner give of them at the time?—He said he had had an intolerable itching two days previously and had scratched himself

Was what you saw on his body consistent with what he said, namely that the marks were caused by scratching of the finger nails?—Yes

My friend asked whether you could associate the fine scratching on the right shoulder with finger nails, and you said they might have been self inflicted?—I admitted it was possible for him to produce those injuries but I would not hazard an opinion that he had in fact done so

How could they have been produced by the man himself?—One possible explanation would be a ring with a sharp projection

Were they consistent with markings made by human finger nails?—I do not think so

You think they were inflicted by something finer than a finger nail?—Yes

Would that apply to a female who wore her finger nails sharpened to a point?—I think it is unlikely that they were caused in that way

Detective Sergeant QUINLAN, sworn, examined by Mr ROBERTS—I am a detective sergeant in the Southampton Borough Police Force, and at 125 on 25th October, 1947, I went on board the *Durban Castle* then lying in Cowes Road, with Detective-Constable Plumley. Captain Patey handed me the keys to Cabin 126 and the two letters written by the accused to the captain, Exhibits 9 and 10. I made a number of inquiries on the boat, and at 5.25 I saw the

## Evidence for Prosecution.

Detective-Sergeant Quinlan

accused, Camb, in the fore-deck wash-house on A deck and informed him that we were police officers and would like to interview him concerning a certain matter. We went to the smoking room and I said to Camb, "I have been making inquiries into the disappearance of a first-class passenger from this ship, Miss Gibson." He said, "Should I know anything about it?" I said, "I have reason to believe that you can assist me regarding my inquiries into this matter." He said, "I knew Miss Gibson, I have seen her on the deck and have attended to her." I said, "Have you ever been to Miss Gibson's cabin?" He said, "Never." I said, "Is it not a fact that you have delivered afternoon tea to Miss Gibson in her cabin?" He said, "Yes, but I was stopped from doing it; I only went there once or twice at the beginning of the trip." I said, "Is it part of your duty to serve trays with tea to passengers in their cabins?" He said, "No, that is the reason I was stopped from doing it." I said, "What time did you finish working on Friday, the 17th of this month, that would be the night before Miss Gibson disappeared?" Camb said, "At about one o'clock in the morning." I said, "Where did you go?" He said, "I went to the well deck to have a smoke and was definitely in bed and asleep about two o'clock." Plumley then said, "Would you care to show me your wrists?" Camb said, "Sure." He took off his coat and rolled up the sleeves of his shirt and showed us his wrists. I observed that there were partially healed scratches on the interior of both wrists, but on the right wrist in particular. They were very faint on the left wrist and very difficult to see.

What did he say about that?—Camb said, "Have you ever been in the tropics?" and Plumley said, "No." I said, "How do you account for the marks on your wrists?" He said, "I nearly scratched myself to death in my sleep in the night; I have got some on my shoulders; I did that with a rough towel." Plumley said, "These marks on your wrists appear to be of too serious a nature to be self-inflicted." Camb said, "I have done the same to the inside of my legs." I said to him, "I have good reason to believe that you can give me some further information regarding this matter; I have also reason to believe that you were in Miss Gibson's cabin at about 3 a.m. in the early hours of the morning of the 18th of October." He said, "That puts me in a tight spot." I told him that I was not satisfied with his explanation and would have to make further inquiries, and I asked him if he would accompany me to police headquarters at Southampton, where we arrived at 6.30 a.m.

What happened there?—I said to Camb, "We are going to

## James Camb.

Detective-Sergeant Quinlan

return to the ship to make further inquiries, we will see you later in the day" He said, "All right Try and get my baggage for me"

Did Plumley and yourself then go back to the *Durban Castle*?—Yes We examined Cabin 126, and Detective Constable Addis took a photograph of the palm print, Exhibit 3 We had the door taken down to photograph

Did you see Miss Field?—I did She disarranged the bed in Cabin 126 to make it as near as she could to what it was on the morning of 18th October, and then photographs 5 and 6 were taken I took possession of a photograph of the deceased which was in the cabin, Exhibit 4

Did you notice the bed linen of the bed?—I examined the bed and found stains on the top and bottom sheets, Exhibits 14 and 15, the pillows I also noticed I took possession of these and also of the bottom and top sheet, Exhibits 16 and 17 There were marks on these sheets I found Exhibit 18, some hair, on the bottom sheet

Did Detective Constable Addis hand you a phial containing some fibres, Exhibit 19?—He did

Did you take possession of a hair brush, three lipsticks, a powder box, and two pots of boot polish, Exhibits 20, 21, 22, and 23?—Yes

On 17th October did you hand over Exhibits 14 to 23 inclusive to Dr Montgomery at the Hendon Police Laboratory?—I did

Later on 25th October did you and Plumley go back from the *Durban Castle* to police headquarters at Southampton and see Camb there?—Yes, at 5 15 the same day

What did you say to him then?—I said, "I have made further inquiries and they have established that you were in Miss Gibson's cabin about three o'clock in the early hours of the morning of 18th October" He said, "I want to tell you something I did not want to tell you in front of Mr Turner"—he is the Union Castle Special Inquiry Agent—"this morning as I had no right to go to her cabin, but I did go about 11 o'clock that night to ask her if she wanted some lemonade with her rum I saw her in her cabin, she was looking through her luggage for a swim suit, but she told me she could not find it She went back upstairs telling me to leave the rum in the usual place." I said to Camb, "Did you see Miss Gibson in the long gallery and say to her 'I have a bone to pick with you and a big one at that?'" He said, "Yes" I said, "What was the meaning of this expression?" and he said, "I just said it because she had not sent for her tea tray that afternoon and I had it all ready" I said, "What do you mean by leaving the rum in

## Evidence for Prosecution.

Detective-Sergeant Quinlan

the usual place?" He said, "The night before, and that night, Miss Gibson asked me to get her a glass of rum and to leave it on the ledge outside the pantry." I said, "Which pantry?" and he said, "Near the long gallery." I said to him, "Do you know if Miss Gibson collected her drink on the night of the 17th?" and he said, "Yes, she collected it just before one o'clock. After that I went to the well deck and had a smoke before turning in." I said, "Was Miss Gibson in the habit of being on deck late at night unaccompanied?" He said, "Yes, I have seen her several times; once when she passed me she had a clock in her hand." I said, "What was the colour of the clock?" He said, "I think it was blue, or it may have been brown." I said, "Do you know why she was carrying a clock?" He said, "No, I do not." I then left the room.

Did you make a communication to Detective-Sergeant Gibbons who was in another room?—I did.

Did you and Gibbons go somewhere?—Yes, we returned to the room where Camb was detained. Gibbons told him that he wanted him to be quite clear about his position, and he summarized the evidence that we had on hand at the time, and after that he left the room. I said to Camb, "Are you in the habit of visiting female passengers in their cabins?" He said, "Well, yes; some of them like us better than the passengers; I have been with them several times on other trips." I said, "Was that at night?" He said, "Yes, I have been with several; of course, if I was found out I would get the sack." I said, "I understand that you have been alleging that Miss Gibson was in a certain condition." He said, "She gave me that inference." I said, "How did she give you that inference?" He said, "She told me." I said, "I have reason to believe that story is untrue." He said, "Well, that is what she told me." Plumley then spoke to him. He said, "Your answers to Detective-Sergeant Quinlan seem to be inconsistent with the true story; it has been established that you were in the cabin at three o'clock." Camb said, "What will happen about that, then?" I said, "My inquiries regarding this matter have been very extensive, and I have now arrived at the conclusion that you have not given me a true account of your movements that night." He said, "Well there seems to be something in what you say." I said, "I have no doubt in my mind that you were the last person to see Miss Gibson." He did not reply, and he remained silent for a short time and then said, "Can you take this down in shorthand; I want to make a quick and short statement." Plumley said to him, "That is not practicable; we can take it down just as quickly on the typewriter." Camb said, "That will be all right." I then

## James Camb

Detective Sergeant Quinlan

read over to him the formal caution, which he signed I asked him if he understood the words of the caution, and he said "Yes" He then signed the caution, and made a statement which Plumley typed in my presence at the accused's dictation Camb read it over himself I asked him if there was any amendment he wished to make, and he said, 'No, I am glad to get it off my mind' He then signed the statement

The CLERK OF ASSIZE—Exhibit 24, statement of James Camb "I have been cautioned by Detective Sergeant Quinlan that I need not say anything and that everything that I do say will be taken down in writing and may be given in evidence, signed James Camb I have already stated to you that I went to Miss Gibson's cabin at about 11 o'clock on Friday, the 17th of October, 1947, and during the course of conversation with her I made an appointment to meet her that night I knocked at the door after I had finished work about one o'clock, but there was no answer I opened the door of her cabin and found that it was empty I then went forward to the well deck where I sat for about half an hour smoking I then returned to Miss Gibson's cabin about two o'clock and found her there After a short conversation I got into bed with her consent. Intimacy took place Whilst in the act of sexual intercourse she suddenly clutched at me, foaming at the mouth I immediately ceased the act, but she was very still I felt for her heart beats but could not find any She was at this time very still, and I cannot offer any explanation as to how the bells came to be rung, as I most definitely did not touch them myself Thinking she had fainted, I tried artificial respiration on her Whilst doing this the night watchman knocked at the door and attempted to open it I shut the door again, saying it was all right Then I panicked as I thought he had gone to the bridge to report to the officer of the watch as I did not want to be found in such a compromising position I bolted the door and again tried respiration After a few minutes I could not find any sign of life. After a struggle with the limp body—by the way, she was still wearing her dressing gown—I managed to lift her to the port hole and push her through I am fairly certain that at the time she was dead, but I was terribly frightened I then went forward and turned in The time would be about 3.30 a.m. I have read this statement over myself, and it is true, signed James Camb" The above statement was typed by Detective-Constable Plumley in the presence of Detective Sergeant Quinlan at Police Headquarters,

## Evidence for Prosecution.

Detective-Sergeant Quinlan

Southampton, commencing at 7 p.m., and terminating at 7.30 p.m., 25th October, 1947.

*Examination continued*—Then what happened?—As I was about to leave the room Camb said, "What will happen about this; my wife must not know about this. If she does I will do away with myself."

Did you see him at 1.30 p.m. on 26th October?—Yes. I cautioned him, and said, "I am going to charge you with the murder of Miss Eileen Gibson." Camb said, "My God, I did not think it would be as serious as this." I then charged him with the murder, and re-cautioned him. He did not reply.

Did you see Camb again about 7.40 p.m. on 26th October?—I did. I said to him, "Have you any objection to having the scratch marks on your wrist photographed, and a sample of your blood taken for a blood test?" He said, "None whatsoever." Exhibit 25 is the accused's consent for the photograph to be taken and a blood test to be made.

Is this the formal consent: "I James Camb do hereby give permission to the police, namely Detective-Sergeant Quinlan of the Southampton Borough Police, for photographs to be taken of scratch marks on my right and left wrists and also on my left shoulder blade. I do further give permission for a duly qualified medical practitioner to take a test of my blood. Signed James Camb, 26th October, 1947"?—Yes.

Was a sample of Camb's blood taken by Dr. Gremston?—Yes, the next day.

Were you handed three phials, Exhibit 27, by Detective-Constable Plumley?—Yes. One contains hair from the side of Camb's head; another, hair from the top of his head; and one pubic hair from the accused. I handed these three phials to Dr. Montgomery at the Hendon Forensic Laboratory, and at the same time, a sample of Camb's blood which had been taken in my presence.

On the same day did you hand to Chief-Inspector Birch at New Scotland Yard the photographs of the palm print on the cabin door and the palm print of the accused, Exhibits 3 and 6?—I did.

What is Exhibit 29?—It is a Coronex contraceptive and a tube of Coronex contraceptive jelly which I found in a large brown suitcase by the side of the bed in Cabin 126. The suitcase was shut but not locked.

Cross-examined by Mr. CASSWELL—Is that what is called a Dutch pessary?—I believe that is the common term for it.



## James Camb.

Detective-Sergeant Quinlan

Did you find an alarm clock, Exhibit 28, in the cabin?—Yes, that was on the side of the chest of drawers, just by the bells

Was the cabin unlocked for you?—No, I unlocked it myself.

When you went on board had you any definite information that Camb had been seen in the cabin at three a.m. on 18th October?—No. I had no information about this case whatever and was instructed to go on board a ship which was arriving in Cowes Roads

You took Detective-Constable Plumley with you. Was the investigation to be made by you with his assistance?—It was just convenient to take him. I was the senior officer

Did you first examine the cabin, or first interview Camb?—I made a preliminary examination of the cabin, solely by myself about 4.30 and when I saw the palm impression I decided to leave that until the next day when we got to Southampton, and then I locked the door. I did not go into the cabin again until I had taken Camb to the police station

When you took Camb away, and told him you wanted him at headquarters you had some information?—I did not take him on the ship. He volunteered to come because of the congestion in the ship on the eve of landing

You would not have wanted him to go away?—No

However, he went voluntarily to the station?—Yes

Did you then go back, after seeing Camb, to see the cabin?—Yes

Did you yourself search the cabin?—Yes

We know that the officer who took the photographs found some small fibres on the rim of the port hole. Did you find anything else?—Not of that description. I was there when Addis found them. They were very fine

You would look for anything which would show that a struggle had taken place?—We looked for anything and for everything

The cabin had been tidied before you entered it?—Yes, we knew that before

Did you know it had been dusted?—I made inquiries and found it is the daily practice of the bedroom steward after passengers have left their cabin to dust round. I found he had just touched the woodwork round the cabin

In your careful search nothing was found except these fine fibres round the rim of the port hole?—That is so

Did you also find a bank slip?—Yes, in a small leather attache case

## Evidence for Prosecution.

Detective-Sergeant Quinlan

Mr. ROBERTS—It was handed to the father, Mr. Gibson. I will produce it to-morrow morning.

*Cross-examination continued*—When Camb was back at the police headquarters you had pretty good evidence that he had been in the cabin at 3 a.m., but he was persistently saying that he had not been in the cabin up to that time?—Yes.

The first time he denied it, but at the second interview he admitted it?—Yes, he said he did not wish to tell me on the ship in the presence of Mr. Turner.

But in the first place he was saying, "What has that got to do with me, I have not been in the cabin?" and you and other officers, feeling it was not true, impressed upon him the difficulty the man would be in if it was later proved he was in the cabin?—Yes.

That the more he denied it the more difficult it would be for him to make a statement later on?—Yes.

You have had great experience in interrogating people who are under suspicion?—I have had some experience of it.

Detective-Sergeant Gibbons came in and had a chat with Camb and went over with him all the evidence which had been collected up to that time?—Yes.

Did he go further and say, "You must remember, Camb, that the police have scientific methods of investigating crime"?—It is possible, but I cannot remember him saying that.

How is it that Plumley, a detective-constable, starts asking questions? Is it usual when superior officers are present for a detective-constable to intervene and ask questions?—It is not unusual. I let him go on with it. It is not my duty to put the same question twice.

I was not aware that it was usual for junior officers to ask questions when a senior officer was conducting the interview. Plumley went on to say, "Your answers to Detective-Sergeant Quinlan seem to be inconsistent with the true story: it has been established that you were seen in the cabin at three o'clock." Did Plumley interject many remarks like that?—Possibly three or four times during the interview.

And you did not object?—No.

From a police officer's point of view, the senior officer would get a statement from Camb better?—I was not trying to get any statement then, I was trying to get at the truth and find the last person who saw Miss Gibson alive.

Was the name of the man Steer mentioned by Plumley during the interview?—No.

## James Camb

Detective-Sergeant Quinlan

I understand that Plumley was left in the room alone with Camb?—He went to the cell where Camb was detained after he was charged, on my instructions

Not to interrogate Camb?—No

And Camb had then been cautioned?—He had been cautioned and charged

Plumley went to his cell to get that document signed giving his permission to have his blood test and the photographs taken?—That is correct.

We have been told that certain statements were volunteered by Camb to Plumley, did you hear of those at the time?—I heard of them just after, I was not present at the time

Plumley went back to you and said that those statements had been made?—Yes

Did you realize that it was a very important statement indeed?—Yes

It was quite inconsistent with the previous statement he had made in your presence?—I would not say inconsistent.

In the written statement he had said that while having sexual connexion with this girl the body had gone limp and she foamed at the mouth, and yet here he was saying to Plumley that he put his hands round her throat?—Yes

That statement and the later statement as alleged by Plumley are inconsistent?—That part yes, but I do not agree that it is all inconsistent

When he made the first statement that was in fact typed twice?—Yes, the platen slipped so that the typing could not be read, so a fresh copy was made and he signed that

The reason for getting the accused to sign it is in order that he may check it over, either by having it read to him or by reading it himself, and alter anything he wishes?—Yes

Did it occur to you that this most important statement which Plumley said he had made to him was one which you should put to him?—No

When you heard of it had it been written in Plumley's notebook?—No, he did it at on my instructions

Is Plumley now in the Southampton Police Force?—No

Why not?—I do not know, I have no information on the point. I was not here when he left

Do you remember an occasion when a man called Tallon was before the Southampton Quarter Sessions in July last?—No

Do you remember a case in which Plumley had taken a statement which the Recorder of Southampton refused to accept?—No

## Evidence for Prosecution.

Detective-Sergeant Quinlan

When you had taken the statement did you say to Camb that you had got to go down to see "The Chief"?—I told him that the facts would have to be reported to the chief constable.

On that, did you take the statement with you?—Yes.

On that occasion was Plumley left with the prisoner?—He was.

That is what I asked you, and you told me that it was the occasion when Plumley was sent to the cell where Camb was?—That is correct; it was my mistake.

Detective-Sergeant HERBERT GIBBONS, sworn, examined by Mr. ROBERTS—I am a detective-sergeant in the Southampton Borough Police Force, and on 25th October last I was acting as inspector at police headquarters. About 6.30 I saw Camb. I said to him, "I have been discussing the situation and the evidence in this case with Sergeant Quinlan, and I understand that up to the present you deny having been to Miss Gibson's cabin after one a.m. that morning the 18th of October?" He said, "Yes." I then said to him, "I am sure Sergeant Quinlan has made the position clear to you, and the implications of a flat denial in the face of evidence which is available cannot be lost on you," and he said, in reply to that, "What do you mean?" I said, "Let us review the circumstances and see what your position is. You have said that you did not see Miss Gibson after 11.30 p.m. on the night of 17th-18th October, but that you went to her cabin at one a.m. and she was not there. If it can be proved conclusively that not only were you in the cabin at three a.m., but that she was there also, and evidence to show that Miss Gibson disappeared from that cabin while you were there, and there is scientific evidence that the disappearance of Miss Gibson was through the port-hole, you will realize the importance of a flat denial of your presence there. There are also scratch marks on your wrists which have a certain significance. You must realize that the time is fast approaching when a decision will have to be made regarding you. You are being given an opportunity to make any explanation you may care to do about this, and that explanation, so far, has been a categorical denial that you know anything about the disappearance of Miss Gibson. If we are in a position to show that you were the last person with Miss Gibson, and you were in her cabin at three o'clock in the morning, and that Miss Gibson disappeared while you were there, you may find that such a complete denial will be difficult to explain if later you are called upon to explain it." He said, "Does that mean that I murdered her, and that I shall be charged with murder?" I said, "At this stage I cannot say whether you will be charged or not, but I am sure

## James Camb.

### Detective-Sergeant Gibbons

you will realize this, that, particularly in the absence of a body, we have to give particular care to any explanation which you may put forward. You may be able to give a reasonable explanation of the cause of her death and her disappearance. If you should later decide to make such an explanation, acceptance of it will not be made easier by a continuation of the denials you have made up to now." He said, "You mean that Miss Gibson might have died from some cause other than being murdered, she might have had a heart attack, or something?" I said, "I am satisfied that you, and you alone, were with Miss Gibson in her cabin, and you are the only person who can give an explanation of her death and her disappearance. In your own interests you must consider what I have told you. It is for you to decide whether or not you want to make an explanation, and if you do you may feel that this is the appropriate time to make it. I am going to leave you with Sergeant Quinlan, but before I do that I want to be sure that there is no doubt in your mind of the circumstances in which you are placed." I then left him with Sergeant Quinlan.

Cross-examined by Mr. CASSWELL—Where did you get the information from that he had been to her cabin at one a m?—I discovered afterwards that I was mistaken in that.

Did you mean three a m?—In discussing it with Sergeant Quinlan I may have mistaken the boatswain's evidence that he saw her at one a m, and I realized, after I had spoken to Camb, that that was a mistake in the time.

When you had heard from Sergeant Quinlan what had happened, and his lack of success, did you make up your mind as to the sort of conversation you were going to have with Camb?—No, I had no definite idea of the trend of my conversation. I felt that in the circumstances the evidence, as it was then known, should be reviewed to Camb, and I entered the room in which he was detained and reviewed it to him in the terms I have just given.

The reason for that was that you wanted a statement from him?—I wanted to get at the truth.

You put this in the third person, "If somebody was in the cabin, and was known to be in the cabin, and it was known that the lady disappeared while the lady was there it would be difficult for him to make an explanation"?—In my note I did it in the first person. I was speaking to Camb with the information that he was the person who had been in the cabin at three a m.

## Evidence for Prosecution.

Detective-Sergeant Gibbons

There could be no doubt that he was the person you were thinking of?—No doubt whatever.

Before the magistrates the only evidence you gave was that you confirmed what had been said to Sergeant Quinlan?—Yes.

You did not give evidence about when he said, "You mean Miss Gibson might have died from some cause other than being murdered; she might have had a heart attack"?—No.

At the time did you consider it very important?—Yes.

Was Quinlan present when that was said?—Yes.

And then you said, "I am satisfied that you and you alone were with Miss Gibson in her cabin"?—Yes.

Do you agree that it is a right thing for a detective-constable to interrogate a man when a sergeant is present and is conducting an interrogation?—I do not know whether Sergeant Quinlan was conducting the interrogation, but I agree it would be his place to carry it out.

When did you hear of this very important admission, that Mr. Plumley was reporting that the man had talked about struggling and clutching her round the throat?—At about 8.30 on the Sunday evening Plumley came to me and said that Camb had told him something, and I told him to record it.

You did not think it right to give Camb the opportunity of saying whether he had said it or not?—I did not see Camb.

Why did Plumley leave the force?—He resigned about six weeks ago.

Was he given the opportunity of resigning?—As far as I know, yes.

In fact, was it not indicated to him that if he did not resign other action might be taken?—I have no knowledge of that at all.

MINDEN PLUMLEY, sworn, examined by Mr. ELAM—Last October I was a detective-constable in the Southampton Borough Police Force, from which I resigned on 18th January last. On Sunday, 26th October last, I saw the accused Camb. I took the document in which he gave formal consent for photographs and a blood test to be taken to him, and he signed it in my presence in a cell at police headquarters. He said, "I did not think it would be as serious as this. All I am worried about is my wife. I have not had any sleep since this thing happened. I can't understand why the officer of the watch did not hear something. It was a hell of a splash when she hit the water. She struggled. I had my hands around her neck and when I was trying to pull them away she

## James Camb

Minden Plumley

scratched me I panicked and threw her out of the port hole" I saw Sergeant Gibbons and Sergeant Quinlan immediately after

Did you see Camb again on the following day, 27th October?—Yes, about 8.45 a.m. I asked him if he had any objection to giving me a sample of his hair. He said, "No. There was some blood on the sheets down there. That came from my wrists, did you find it?" I said, "We found a blood stained sheet in the cabin which has been retained." Exhibit 27 is sample of Camb's hair which I gave to Sergeant Quinlan the same day

Cross-examined by Mr. Casswell—How are you employed now?—I am not employed at the moment

For how long had you been in the Southampton Police Force?—Since 1941

Had you police experience before that?—No

For how long had you been in the uniformed branch?—For nearly 18 months

Did you want to continue in the police force?—No, circumstances arose, and I considered it to my advantage to resign from the force

I suggest that you were told that if you did not resign you would be dismissed?—No, I was not told that. I handed in my resignation entirely of my own free will

Who was the chief constable?—Mr. Box

You have given evidence of a statement made to you in the cell, when did you write it?—I made a report at once to the sergeant and he instructed me to put it into writing, which I did

You must have regarded this as somewhat of a triumph to have secured so important a statement?—I regarded it as important.

Experienced officers had been talking to Camb most of the day, and the utmost they had been able to get from him was a statement saying that this girl had collapsed during sexual intercourse?—Yes

And then you say that, without any provocation or suggestion from you, the man talks about putting his hands round her throat, and a struggle goes on?—Putting his hands round her neck.

Struggling going on, and scratches on his wrist when he tried to take them away. —Yes

Did you understand that he had pushed a struggling woman through the port hole?—No, his words were that he threw her through the port hole

You remember being left with the prisoner after Sergeant Quinlan had taken the statement away?—I took the statement away

## Evidence for Prosecution.

Minden Plumley

Quinlan has just told us he took it away?—I took it away.

Was that the second statement or the first?—The first one.

There were two statements?—Yes, it was typed twice because an error had been made in the first one.

How far had you got in the first statement when you were stopped and told to start again on another sheet?—As far as I remember the words of the caution had been completed.

You say it was you who took the statement away?—Yes, I took the statement away and handed it to the officer in charge of the investigation.

Sergeant Quinlan said he took it away to show to the chief constable?—Not to my knowledge.

Did Sergeant Quinlan leave you alone with Camb?—He did on one occasion; I think it was on the Sunday evening.

When that statement had been made, did you say this to Camb, "Look, you have made a statement, that is as far as we are concerned just now, but that was not the truth, was it?"—I do not recollect having said that.

Are you prepared to swear you did not say it?—Yes.

Did he say, "I have given my statement and I have nothing else to add to it"?—I remember him having said that, but I do not remember him saying it at this time.

Did you say to him, "This is off the record"?—No.

Did you say to him, "You went there with one intention"?—No, I had no conversation whatever with him when I was alone with him.

Did you say, "She did not want to let you, and you struggled"?—No.

Did you then say, "You probably strangled her unintentionally and that is when you panicked"?—I most definitely did not say that to him.

Do you say you made no sort of suggestion to him whatever?—I made no suggestions to him whatever. I think I was with him alone only for a very few minutes.

Did you say, "How the devil did it happen? Did you have your hands round her neck, or what"?—I did not say that.

Did you say, "How do you explain those scratches on your wrist; she must have struggled"?—I asked him on the boat to account for the scratches on his wrists, but I did not mention scratches to him after we arrived at police headquarters.

Did you have it in your mind that there was a struggle in that cabin?—I thought it might have happened.



## James Camb

Minden Plumley

Did you think he might have raped this woman?—I did not consider that at the time

Did you suggest that to anybody?—No

Did you know that in the *Sunday Chronicle* of 26th October, 1947, there was an assertion that this man strangled the woman in her cabin?—No, I did not.

Did you give information to a press representative that the girl had been strangled and had been pushed through the porthole?—No, I did not discuss the matter with any member of the press

You have told us that you resigned from the force of your own free will. Was the chief constable perfectly satisfied with your services as a police officer?—I am not in a position to say, but he did not complain to me

Had he not?—No

At Southampton Quarter Sessions last July did you put in a statement which you said the prisoner, Alfred Caller, had made?—I did

Did the man himself give evidence that you had given him beer to drink before he made the statement?—Yes

Did you deny it?—No

In a public house?—Yes

Did you then take him to police headquarters and prepare a statement?—Yes

Were the jury directed by the Recorder not to convict?—I do not remember the summing up by the Recorder

I suggest that that was one case where you made a mistake?—I do not think I made a mistake at all

Was there another occasion when you and another officer smashed up a car together?—Yes

Had that something to do with your resignation?—I do not think so

Did the chief constable complain about it?—Yes, he did

That was one instance at any rate when the chief constable found fault with you?—That is so

Was there another occasion when there was a scuffle and a police officer was found with two or three other men, and did that officer turn out to be you?—I do not remember that.

Did you take part in a fight and get knocked about yourself shortly before Christmas?—Yes, I remember a scuffle outside the "All Night Café," when I did get injured and a man was sentenced for some offence of larceny, there was a wanted man who was arrested on that occasion, a matter for which I was commended for my services by the Watch Committee of Southampton. I

## Evidence for Prosecution.

Minden Plumley

understand that the chief constable recommended me for commendation with regard to that matter.

Did the man say you had assaulted him at the police station?—He made no accusations and pleaded guilty to the charges against him.

Was there any occasion when property which had belonged to a prisoner was found in your locker, and you had not entered it in the Property Record Book?—I know nothing whatever about that.

Might it have happened?—It may have happened, but I have no recollection of it.

Re-examined by Mr. ROBERTS—Was it in any way to do with this case the fact that you resigned?—Nothing whatever.

Dr. WALTER ERIC MONTGOMERY, sworn, examined by Mr. ROBERTS—I am a Ph.D. in the Faculty of Science of the University of London, a Fellow of the Linnean Society, and the senior Scientific Officer at the Metropolitan Laboratory at Hendon. On 27th October last I received from Detective-Sergeant Quinlan the following articles from Cabin 126: the top and bottom pillows, counterpane, top and bottom sheets, a hair, fibres from the port-hole, lipstick, powder puff, boot polish, a hair brush labelled Miss Gibson, a sample of blood and three samples of hair labelled as taken from James Camb.

What did you find on the top and bottom pillows?—On the top pillow were brownish stains which in my opinion were tea stains. On the bottom pillow were traces of lipstick, and perspiration.

And on the counterpane?—That bears brown stains of a similar material to the brown boot polish. I found no other stains.

Now the sheets; take the top sheet first?—The top sheet bears human blood of group "O." There are holes where I cut the spots from. They are about 18 and 30 inches from the end of the sheet.

How many human blood groups are there?—Four in this classification, the most common being "O" and "A."

On the bottom sheet did you find anything?—Two small human bloodstains, but they were too small to determine the group. There are other stains present. On the top sheet there was a brown stain similar to brown boot polish; and black streaks are also present, but I was unable to determine their nature. On the bottom sheet there was a yellow stain, the nature of which I could not determine.

From the sample of blood from the prisoner Camb, can you say what group his blood belongs to?—Group "A."

## James Camb

Dr W E. Montgomery

Therefore the blood found on the top sheet could not have been his?—No

You were given a human hair which was found in the cabin as taken from the bed, was that similar to hairs on the hair brush marked as coming from Miss Gibson?—Yes

What did the fibres, marked as having been recovered from the port hole in Cabin 126, resemble?—There were a large number of fibres, and I isolated two which were fragments of feather similar to the feather stuffing of the pillows

Were either of the pillows torn?—No, but it is common experience that feathers do work out from any container, tick, or the like

Cross-examined by Mr Casswell—The top pillow had tea stains and the bottom pillow had traces of lipstick?—Yes

And the counterpane looked as if Miss Gibson had been cleaning her shoes on it?—They were brown boot polish stains I compared it only in regard to colour

What size were the two bloodstains on the top sheet?—Each about the size of a sixpence

You removed all traces of blood from that sheet?—As far as I remember I removed it all

Did you take any sample from that part which is marked with a circle with red chalk, 1?—No

Did you take any sample from those also marked 2 and 6?—No

Can you see a spot marked 1 on Exhibit 16, the bottom sheet?—Yes

Did you take a sample there?—Yes, it was human blood but unidentifiable

Would I be right in saying that what you did find were very small spots?—Yes, in the case of this sheet

Not having sunk through to any extent?—There was not sufficient blood to appear on the other side of the cloth

There were no stains of any significance on the counterpane?—There were brown stains which I considered similar to the brown boot polish

You were handed human hairs taken from the accused?—Yes

Did you find anything similar to them on either of the other exhibits?—No

Did you form any opinion as to whether the hair given to you as coming from the bed had come out naturally?—No, the hair was incomplete and I was unable to say how it had come out.

## Evidence for Prosecution.

Dr. W. E. Montgomery

The fibres could have come from any similar pillows?—Yes.

What about the other stuff?—There was a fragment of wood which I did not identify further; there were some red jute fibres; there were some dark blue wool fibres; also some colourless cotton fibres.

You would not be surprised to find that stuff in any bedroom, would you?—No.

Re-examined by Mr. ROBERTS—How many spots of blood were on the top sheet?—I removed two, each about the size of a sixpence.

And on the bottom sheet?—Two, very similar to those on the top sheet.

Senior Commander PHYL MACDONELL, sworn, examined by Mr. ELAM—I am Senior Commander of the Medical Service of the Women's Auxiliary Territorial Service, and produce the file relating to Miss Gibson, No. W/315227. I also produce Exhibit 30, an Army form called W/3149. It is signed on the first page by Eileen Gibson, and on the last page by Ruth M. Haslam.

Is there any record of any medical treatment ever having been afforded to Eileen Gibson while she was in the Service in 1946?—No.

Cross-examined by Mr. CASSWELL—You are the officer in charge of records?—No, I am in charge of a division of records. All the documents of auxiliaries are kept there.

Her documents show that at one period of her career in the A.T.S. she was going round with entertainment troupes?—Yes.

Are you sure that in December, 1946, and July, 1946, she did not receive treatment?—Yes; I am satisfied from the documents that she did not.

That file does not deal entirely with medical matters?—No, it deals with all documents relating to the Service.

Lance-Corporal AUDREY MAY PUTROCK, sworn, examined by Mr. ELAM—I am a lance-corporal in the A.T.S. stationed at the War Office Holding and Drafting Unit, North Mimms, near Hatfield. I have been in the A.T.S. for over six years, five years of that as a medical orderly. This unit is for members of the A.T.S. going or coming back from overseas. They all pass through the camp, and while they are there they have medical examinations, inoculations, and vaccinations if they require them. I was a permanent medical orderly at that camp.

## James Camb.

Lance-Corporal A. M. Puttock

Was this document, Army Form W/3149, signed by Eileen Gibson, as the person examined, in your presence?—Yes

On the last page is the signature, Ruth M Haslam Was Captain Haslam there at that time?—Yes

She would take the medical examination at that place?—Yes

Cross-examined by Mr CASSWELL—In the summer of 1946 was a unit of A T S, London District, stationed at Sloane Court, West?—The unit had moved from somewhere in London, but I do not know very much about it

Dr RUTH MARION HASLAM, sworn, examined by Mr ELAM—I am a qualified medical practitioner, and served in the Royal Army Medical Corps from May, 1945, until August, 1947, first as a lieutenant and subsequently as a captain From 20th January until August, 1947, I was stationed at the War Office Drafting and Holding Unit of the A T S at North Mimms Camp, near Hatfield I recognize my signature on Exhibit 30, Army Form W/3149 On 10th February, 1947, at North Mimms Camp I examined No W/315227 Private Eileen Isabella Ronnie Gibson Her previous illness included the removal of her tonsils at the age of 11

Was there anything at all the matter with her?—According to her form the only thing I found wrong with her was that she had an old infection of the right ear, and I noticed that the drum was scarred, it had last discharged three weeks before, and I noticed that her hearing was impaired She had had a recent cold, but her general physical condition was good

Did you deal with the cold?—I noticed that she was a bit wheezy, but there was nothing of significance in that

What are "scattered sibilæ"?—When I listened to her breathing I noticed that there were slight sounds, sibilæ, which indicated that she had slight bronchitis

What do the letters "N.A.D." on the form mean?—Nothing abnormal discovered

Excepting for her right ear and the slight cold, was there anything else wrong with her?—No

To what conclusion did you come as to her general fitness for service?—I put her down as AW/1/non tropical, that is to say, her general condition was fit, apart from the ear condition for which reason I made her non tropical

Cross-examined by Mr CASSWELL—For what reason were you examining her?—As far as I know in this case she was being transferred to the Army Reserve

## Evidence for Prosecution.

Dr. Ruth M. Haslam

Is there anything on the form which shows that?—No.

There is nothing which sets out exactly why this form was completed?—No.

How many examinations would you carry out in a day?—Anything up to ten.

You cannot remember this incident?—No.

Before you make such a report do you have any sort of medical history sheet before you?—Usually one does, but I cannot say whether I had one in this case.

So, if there was not one before you, you would only have her word to rely on as to her medical history in the Service?—That is so.

Supposing you had had reported to you that at the beginning of July, 1946, she had had a sort of seizure which lasted for a considerable time, would you have examined her carefully about that?—Yes, but I should have examined her much in the same way as I in fact did.

I suggest you would have examined her still more thoroughly?—That is possible.

And if, in addition to that, she had told you that in the December previously she had had a seizure while travelling in Wales which had lasted more than half an hour, would you have thought that something which you ought to look into?—It would rather depend on what kind of a seizure it was.

You would have wanted to look at the full account of it?—Yes.

Her documents, a Service and Casualty Form from 1st February, 1947, to 6th February, 1947, shows that she was admitted to Broad Sheen Hospital, Liverpool, on the 1st and discharged on the 6th?—Yes, but it does not give the reason why she was in hospital.

That was just a fortnight before you examined her?—Yes.

That does not show upon this report at all?—No.

I have got another one, "Sick at Home, w.e.f., 9th April, 1945, and rejoined 14/4/45"?—Yes.

I find from the medical sheet that at Liverpool on 25th January, 1945, there is a note of her being "scarred on the neck from poultice"—on the right side of the neck?—I do not remember seeing these statements at the time I examined her in February, 1947.

By Mr. JUSTICE HILBERY—Is there anything in those previous records which would have caused to modify your opinion about the health of that young woman when you examined her in February, 1947?—No.

## James Camb

Dr Ruth M Haslam

*Cross-examination continued*—You record that she was suffering from a recent cold, and had a wheeziness. Was that something which was subjective, or was it something she told you?—If I put it down it was something I discovered myself, whether she told me or not I cannot say.

You heard the wheeziness and you thought it was due to a recent cold?—Yes

Re-examined by Mr ROBERTS—The last entry put to you was 29th January, 1945, a scald from a poultice on the right side of the neck. That might indicate that it was treatment for a boil, or something like that?—Yes

It appears to be a Medical Examination Record and History Sheet giving particulars of her birth and so on?—Yes

And in the additional notes there is this reference to the scar on the right side of the neck, which is attributed to a scalding poultice, and the tonsil operation at the age of 11 is set down, and a description of her teeth, and so on?—Yes

It appears that she was sick at home from 9th to 14th April, 1945. That is not a matter of great importance?—No

When you saw her on 19th February, after her discharge on the 6th, she was suffering from the seasonal effects, that we are all so well acquainted with, of an English winter, having a cold and wheeziness?—Yes

Mrs ELLAN VICTORIA GIBSON, sworn, examined by Mr ROBERTS—You are the mother of Eileen Gibson?—Yes, I am. I am very proud to be the mother of Eileen Gibson.

In October last your daughter was 21 years and four months old?—Yes

Generally speaking, for the whole of her life how was her health?—Excellent. She was one of the finest types of English womanhood physically, mentally and morally.

You never had any trouble with her on account of her health?—Only her right ear, she had an infection there.

As her documents in the Auxiliary Territorial Service show, your daughter was relegated to the Reserve in February, 1947, on compassionate grounds?—Yes

Was that because you wanted to take her to South Africa with you, where your husband was?—Yes

Did you go out to South Africa together on the *Carnarvon Castle*?—Yes

Did you rejoin your husband there?—Yes, at Durban

## Evidence for Prosecution.

Mrs. Ellen V. Gibson

And did your daughter endeavour to continue her theatrical career on which her hopes were centred?—Yes, she had a letter of introduction for that purpose.

Where did you live?—In Durban first.

Did your daughter leave you from time to time for professional work?—After a fortnight in Durban I took her up country to Johannesburg.

She did take part in two theatrical productions there?—Yes, "The Silver Cord" and "Golden Boy."

During her time in South Africa did you see any traces of ill health in her?—None whatever; her health was excellent.

When did you last see her?—When she came down to Durban, the day before she left on the boat for England. It would be 7th October; she went by air from Durban to Cape Town. I did not go with her.

When you last saw her was she a healthy young woman?—Yes, perfect.

How was she in spirits?—She was very healthy, and very happy at going home to England.

Look at exhibit, the yellow army form Exhibit 30, and say if that is your daughter's signature?—Yes.

How did your daughter wear her nails?—She let them grow rather pointed.

Did you notice that in South Africa?—Yes, and my sons noticed that she let her nails grow longer than usual.

Cross-examined by Mr. CASSWELL—Your daughter was called up when she was 17, and had to register for National Service?—Yes.

She became a probationer nurse at Walton Hospital, Liverpool, but was dissatisfied with that and left after being there about four months?—Yes.

Did she then report to the Labour Exchange and subsequently join the Women's Auxiliary Territorial Service?—Yes, the Special Intelligence Branch.

Was she then posted to the branch at the War Office?—Yes.

How much did you see of her in 1945?—I saw her when she came home on leave, and I also saw a good deal of her when I stayed down at Frogmore.

I suggest that you were parted from her most of the time she was in the Service?—No. In 1945 she came home from time to time.

The first idea was that she was going to India, but the draft was cancelled and she went to Chester?—Yes.



## James Camb

Mrs. Ellen V Gibson

Did she come to see you much?—Yes, at Rock Ferry she would come home for week ends

For how long did that last?—About two or three months while she was being transferred to the Theatrical Corps Service

Although originally you had not been very keen you agreed she should transfer and go in for that kind of work?—Yes, she pleaded with me to let her go

Did she then go out to Germany for about two months?—Yes.

Did you hear from her when she was there?—Yes, regularly

Did you hear anything about her having an affair with an RASC driver?—I did not know what he was, but she knew somebody by the name of Pierre

She was really keen on him?—I do not think she was really keen on anybody, she was not particularly interested in men or marriage, she had one interest in life, and that was a theatrical career

She also travelled around England a good deal with the Theatrical Section of the A T S?—Yes

In July 1946, did you hear of her having an illness while she was still was in the corps?—I know she had a septic hand, which was burnt with an electric iron, that is the only illness that I know of

You did not hear that she was taken ill suddenly in July when she was at Sloane Court, West?—No, I was in Persia then

Then again in December, 1946, did you hear that she had been taken ill?—Never

She never said anything to you about this?—No, the only trouble she had was her hand and her ear She was in the military hospital in Alderhay with her ear

Did your son go out to South Africa with you?—No, my son went to the Persian Gulf and joined me later in South Africa

During that voyage she went with you?—Yes

You say she was in very good health?—She was in perfect health, she joined in all the games

Did she ever have any injections?—I never knew of her having any injections, but as she was going to England I advised her to have injections to avert colds because she was rather susceptible to a common cold which left a little catarrh

Did you know if she had had any injections at all?—No, but I understood she would have some when she got to England A lot of people have them when they come home from the tropics

When did you arrive in South Africa?—I think 12th March

## Evidence for Prosecution.

Mrs. Ellen V. Gibson

How long was your daughter with you in Durban?—About a fortnight.

Did you take her up to Johannesburg?—Yes.

Was she there in a theatrical company run by a Mr. Gilbert?—No, there was no company run by Mr. Gilbert. She was in Johannesburg in the "Reps," in "The Silver Cord." Mr. Gilbert ran a little show in imitation of Tommy Handley at Broadcasting House, Johannesburg, and she met him there. They were a different class of people from us.

You mean that Mr. Gilbert and his associates were a different class of people?—Yes. I advised her to take a refresher course in her shorthand, to have a regular job, and to stay in repertory as a diversion, and she said, "Yes, mother, I will."

You took her to Johannesburg after about a fortnight in Durban. Did she return to Durban?—No; she had a good singing teacher in a Mrs. Taylor at Johannesburg and so she stayed there, but after a while she could not continue with her singing lessons.

Was not that because it hurt her throat?—No, she said she would have to give up her singing lessons because she had not got the time to practise.

When you had taken her to Johannesburg you yourself went back to Durban?—Yes, it would be early April, 1947.

She was in Johannesburg continually until October?—Yes, except for three days when she came back to Durban with me for a change.

How often did you see her in Johannesburg?—I went up there in June for a month.

What was she acting in then?—"The Silver Cord"; it was during June, I think from about 6th to 13th June, and it finished on her 21st birthday.

What did she do after that?—She came down with me for a few days, and then went back to Johannesburg.

And the last play she was in was being produced by Mr. Gilbert?—Yes, the only play he ever produced.

You do not seem to be very friendly with Mr. Gilbert?—No. She was working for Mr. Gilbert in the preparation of this play. She worked very hard. She was a very conscientious type. There was a shop in Johannesburg which supplied the dresses and costumes, and they said, "The young lady that wears these dresses can keep them," but instead of that Mr. Henry Gilbert sold them; not that she wanted them, but it was just the principle of the thing which was not nice. She said to me, "Mother, Henry has turned

## James Camb

Mrs. Ellen V Gibson

out to be a rotter' On the stage he had put his arm around her, and she said, "The way he mauls me about on the stage, he is most embarrassing"

And there was a Dr Schoub?—Yes, she is a doctor of medicine, she is casualty officer at the Johannesburg Hospital

She befriended your daughter, did she not?—Never

Did you know that your daughter went to Dr Schoub for advice?—My daughter would go to a consultant for advice, not to Dr Schoub

Do you know that she consulted Dr Schoub?—I am sure she never did My daughter would consult me if she wished for advice, she had a very poor opinion of Dr Schoub, she said, 'She is a bit of a quack' She had a very poor opinion of Henry Gilbert, his wife, and their associates

Do you know that she consulted Dr Schoub on the ground of pregnancy?—My daughter was not pregnant

Did you know your daughter was going about with several men in Johannesburg?—I know my daughter was not going about Johannesburg with men, because she told me everything and I know she was not interested in men, her career was her life.

Can you explain the contraceptive which was found in her cabin?—You know university students and others often carry them about with them, that is nothing to go by

Why do they buy them?—To avoid pregnancy

You would avoid pregnancy by never having intimacy with a man, would you not?—My daughter was a very honourable girl, and it was not until she got into touch with this man Gilbert and his wife that anything questionable about her character could be suggested Her friends were lawyers like yourself in Johannesburg honourable men Ask them about her character

Did she ever tell you that she had a contraceptive in her possession?—No, she told me practically everything—well—she told me everything

Did she tell you about a man named Mike Abel?—Yes, she did She said to me, "Mother, I think he is a real gangster" He had to play the part of a gangster on the stage

Did she tell you that on one occasion she had kicked him on the shins? That she had kissed him, and then had kicked him on the shins?—That is just Mike Abel's talk

You would not believe it, would you?—Nor would you if you had known my daughter She said that Abel was a real gangster, and she said that both wives were jealous and were squabbling

## Evidence for Prosecution.

Mrs. Ellen V. Gibson

Why were they jealous?—Because she was a good woman, and they were a pack of crooks.

Why would that make the wives jealous?—She was very attractive.

Do you mean that she was going about with the husbands in a way that they objected to?—No, she did not go about with them; you cannot make out that my daughter was something that she was not.

Did she go about quite a lot with Mike Abel?—No, she did not; she did not know him until she met him in this play. They were rehearsing together. My sons were in Johannesburg at the time when they were rehearsing.

How long were they rehearsing?—I think about five weeks.

And all that time, at any rate, she was in touch with Mr. Gilbert and his wife, Dr. Schoub?—Yes.

What was she earning about that time?—I think about three guineas a week, but I sent her money, and so did her father and brother. I sent her about £10 altogether.

Did she complain that she was hard up?—No, never; that is not true. I took £50 up to her in June for her birthday on the 13th.

Did you hear the name of Charles Brown at Johannesburg?—No.

Or a furrier named Braun or Brahms?—No.

John Davies or Aubrey Schneider?—No.

I suggest that the latter was the man who provided the dresses for the play?—I know that she bought a lot of her own dresses.

Did you hear the name of Charles Sventonski?—Yes, she knew him about a fortnight. I met him in Durban.

Did you know that he sent her flowers every night and took her away from the theatre every night?—No, I was not there at the time.

Did she introduce him to you as her boy friend?—No, she introduced him to me as the man who was interested in her career.

Was he the proprietor of a club in Nairobi?—Yes.

How long were you there in Johannesburg?—About a month.

Were you there on the first night of the performance?—No, I had no time.

Were you not there at any time during the performances?—No.

Were you there at the rehearsals?—No, her brothers were.

How long did it run?—About two weeks.

That was "Golden Boy"?—Yes.

And then it was going to move on to Pretoria?—Yes.

## James Camb.

Mrs. Ellen V Gibson

Did she suddenly decide not to go on with it, but to return to England?—She said she could not stand the attitude of Henry Gilbert and the rest of his associates, it was not an excuse, she was thoroughly disgusted with them

She suddenly decided to go back to England?—She had an introduction to the management at the Abbey Theatre and to some friends of Svontonski a letter of introduction

Have you seen any of these introductions since she disappeared?—No I saw them in her bag before she left I think Sergeant Quinlan has them

When you travelled out to Durban did you travel first-class?—No, it was an emigrant ship, it was all one class

That was in February, 1947, and your daughter returned in October, 1947?—Yes

And she travelled first-class Who paid for her fare?—Svontonski

Did he also subscribe something like £350 which went into her banking account?—Yes

Was not all he had given her something like £500?—I suppose so

Why should he do that?—He was interested in her career

Did you approve of her receiving £500 from a man she had only known a short time?—It was a business proposition, he was a very successful man, whatever he supported seemed to be successful, he was said to be very lucky in his business affairs My daughter said to me, "He is very involved in his business matters, and I am very involved in my career" He was ready to back her in her career as a business proposition

Had he ever been in England as far as you know?—Not as far as I know

What makes you think he had any influence with English theatrical circles?—Because he knew a lot of people, and he gave her a letter of introduction

Where is the Abbey Theatre?—In Dublin

You say you see nothing wrong in your daughter accepting £500 from a man she had only known a short time?—She said she would very soon pay him back. She was a hard working, conscientious girl, and she was hoping to become successful in her career

Do you know she was telling everybody she was pregnant?—No I am a nurse, and we were very close friends, my daughter and I, we had no secrets from one another I said, "You are

## Evidence for Prosecution.

Mrs. Ellen V. Gibson

quite sure about this man?" and she said, "Mother, you can rely on me."

Was she very highly strung, very emotional?—No, she was very calm, very controlled, with dignity and poise—a lot more than I have.

A girl liable to create scenes without the slightest provocation?—Never. That is definitely an invention, like the other invention about her being pregnant.

Due to asthmatic attacks?—No, she had no asthmatic attacks; she was never treated for asthma in her life.

Did you hear that she kicked Mike Abel on the shins?—He evidently deserved it. She had said, "They are rotters."

And then after kicking him, suddenly threw her arms around his neck and kissed him?—I am sure she did not do that.

Did you know that she was asking Mike Abel for £200 to help her back to England?—No, that is not true. My daughter had too much pride for that.

Did you know that she was drinking heavily, among other things, vodka?—No, she would not drink vodka.

Nothing I might put against your daughter would you believe for a single moment?—No, that is so.

You would not accept anything I suggest?—No, one's character does not change in a fortnight after twenty-one years.

You did not see her in Germany, or when travelling through England, and you did not see her the whole time she was in Johannesburg?—Yes, I did. I was with her for thirty days in Johannesburg; we stayed at the W.Y.C.A. place together.

Have you known her to have a hoarse, hacking cough?—No, she might have had a little bit of catarrh with a cold, that is all; and that is what I advised her to have injections for, the prevention of catarrh.

Was it worse in Durban?—No. Durban is relaxing, but she was in perfect health when she was there.

Did you know that there were times when she had trouble with her left arm?—No. I know at times she had heavy trucks to load and unload in her Army career, and she had nothing wrong with her arms.

Do you remember being introduced to that man called Mike Abel by your daughter?—No, I did not see Mike Abel.

If he says that on the opening night at the Standard Theatre, Johannesburg, he was introduced to somebody she said was her mother, it would not be you?—No, not at all; it was not so, she

## James Camb.

Mrs. Ellen V Gibson

Did she suddenly decide not to go on with it, but to return to England?—She said she could not stand the attitude of Henry Gilbert and the rest of his associates, it was not an excuse, she was thoroughly disgusted with them

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## James Camb

Mrs. Ellen V Gibson

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By Mr JUSTICE HILBERY—Which play was this you were referring to?—Golden Boy " During "The Silver Cord" I was there every night That was in June

*Cross examination continued*—Did you meet Mike Abel at all?—Not at any time She said, "He is playing the part of a gangster, and I think he is a real gangster "

Did you know that she told Mike Abel that you and her father had been killed by V2 bombs?—It sounds like the allegation of a gangster

And that her two brothers had been killed on service with the Navy?—No, that looks like the invention of a gangster

Do you think it is possible that in the time she was at Johannesburg she may have deteriorated?—I do not.

Mr ROBERTS—I do not want to object to anything, in a trial of this importance, which the defence reasonably do, but, in the interests of time, I submit that this attack which is being made on the character of this dead girl has not the slightest relevance to the issue which the jury have to try I can see some possible relevance in the state of her health but how an attempt to blacken the character of this girl who is dead and cannot answer for herself, can be relevant to any issue which the jury have to try I fail to see, and therefore I respectfully submit (although I do it with the utmost reluctance) that these questions are not admissible, as not going to any issue before the jury

Mr CASSWELL—It is suggested here that this was a rape which took place on the night of 17 18th October

Mr JUSTICE HILBERY—Attempted rape was what was suggested in the opening

Mr CASSWELL—That this girl would not willingly have received this steward into her cabin is the suggestion, and therefore I submit that it is highly relevant to see if she was inclined to be over friendly with men

Mr JUSTICE HILBERY—I do not know There are cases in the books which show that a prostitute can be raped I suppose there is a possible relevance It must go on In such matters I am in the hands of counsel

## Evidence for Prosecution.

Mrs. Ellen V. Gibson

The WITNESS—In her dealings with men she spoke to them as man to man, but she did not go farther; she was a very honourable girl.

Re-examined by Mr. ROBERTS—You said you were working at the time?—Yes, I was a night sister at a nursing home in Durban.

It has also been said that your daughter was short of money, and you told us you took £50 to her for her birthday. What other money did she have; she was making something by her work on the stage?—Yes, she had been getting £20 a month at an electric store in Johannesburg.

Had she other money?—Her brother gave her £25 which he posted to her.

You or your husband would always supply her with all her reasonable needs, would you not?—Yes, I always put money in her letters every time I wrote to her.

Dr. ROBERT DONALD TEARE, sworn, examined by Mr. ROBERTS—I am a registered medical practitioner, M.B., M.R.C.P., and assistant pathologist and lecturer in forensic medicine at St. George's Hospital, London, and I practise in Harley Street. I am also special pathologist to the London County Council.

In case of death by strangulation would there be likely to be any discharge of blood from the victim?—Yes. It sometimes occurs as a result of the tongue being forced against or between the teeth; it sometimes occurs as the result of scratch marks by the victim in attempts to release herself or himself; it sometimes occurs as part of the general picture of death from asphyxia which is characterized by small hæmorrhages in the more delicate linings of the body, the gums, the back of the throat, the lungs, the lining of the nose, and occasionally the ears.

That would mean that there would be some free blood released from those parts of the body, or some of them?—Yes.

If the throat is firmly clasped between the fingers how long a period would elapse before unconsciousness supervened?—It would be only a matter of a few seconds; probably not more than fifteen seconds.

And how soon, if the same pressure was maintained, would the victim die from suffocation?—Probably within a minute.

What would be the probable release of blood as you have previously described in death from suffocation?—If by suffocation you mean the blockage of the external air passages, then do you mean by a pillow, or by strangulation?

## James Camb.

Mrs. Ellen V. Gibson

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Mr CASSWELL—That this girl would not willingly have received this steward into her cabin is the suggestion, and therefore I submit that it is highly relevant to see if she was inclined to be over friendly with men

Mr JUSTICE HILBERY—I do not know There are cases in the books which show that a prostitute can be raped I suppose there is a possible relevance. It must go on In such matters I am in the hands of counsel

## Evidence for Prosecution.

Mrs. Ellen V. Gibson

The WITNESS—In her dealings with men she spoke to them as man to man, but she did not go farther; she was a very honourable girl.

Re-examined by Mr. ROBERTS—You said you were working at the time?—Yes, I was a night sister at a nursing home in Durban.

It has also been said that your daughter was short of money, and you told us you took £50 to her for her birthday. What other money did she have; she was making something by her work on the stage?—Yes, she had been getting £20 a month at an electric store in Johannesburg.

Had she other money?—Her brother gave her £25 which he posted to her.

You or your husband would always supply her with all her reasonable needs, would you not?—Yes, I always put money in her letters every time I wrote to her.

Dr. ROBERT DONALD TEARE, sworn, examined by Mr. ROBERTS—I am a registered medical practitioner, M.B., M.R.C.P., and assistant pathologist and lecturer in forensic medicine at St. George's Hospital, London, and I practise in Harley Street. I am also special pathologist to the London County Council.

In case of death by strangulation would there be likely to be any discharge of blood from the victim?—Yes. It sometimes occurs as a result of the tongue being forced against or between the teeth; it sometimes occurs as the result of scratch marks by the victim in attempts to release herself or himself; it sometimes occurs as part of the general picture of death from asphyxia which is characterized by small hæmorrhages in the more delicate linings of the body, the gums, the back of the throat, the lungs, the lining of the nose, and occasionally the ears.

That would mean that there would be some free blood released from those parts of the body, or some of them?—Yes.

If the throat is firmly clasped between the fingers how long a period would elapse before unconsciousness supervened?—It would be only a matter of a few seconds; probably not more than fifteen seconds.

And how soon, if the same pressure was maintained, would the victim die from suffocation?—Probably within a minute.

What would be the probable release of blood as you have previously described in death from suffocation?—If by suffocation you mean the blockage of the external air passages, then do you mean by a pillow, or by strangulation?

## James Camb.

Dr R. D. Teare

Well, if by a pillow, would you expect external bleeding to occur?—I would not expect it, though it might occur

Strangulation is stoppage of the air passages by force applied to the throat?—Yes

In cases of manual strangulation, which you have described, would you get froth on the mouth?—Yes, I have seen it myself, either from the vomited material passing into the air passages and becoming churned up, or it may come purely from the rupture of small blood vessels in the lining of the tissues which wells up from the lungs, the bursting of these small vessels causing a blood stained froth

By Mr Justice HILARY—Or there may be the regurgitation of food?—Yes, that frequently occurs in the process of manual strangulation, an attempt at vomiting occurs which brings food up into the air passages

*Examination continued*—Did you hear Dr Griffiths giving evidence in Court concerning the scratches which he saw on the accused on 19th October, the day after the deceased disappeared?—Yes

You heard him describe the scratches on the right wrist as being in an oblique direction?—Yes

He considered those scratches consistent with scratches made by human nails. From his description have you formed an opinion as to whether they were caused by indentations or by the nails moving?—I personally would find it extremely difficult merely on these descriptions to express an opinion

Then I am not going to ask you to do so. You are a man of great experience?—I have had some experience.

Do you think you could fairly express any opinion on that matter not having seen the hand and arm at the time, and only having seen photographs taken eight days later?—I do not.

It was said by a witness, Mr Hopwood, that Miss Gibson on one occasion showed her nails to him and that they had changed from a normal colour to a muddy colour, and he said he only saw them muddy on one occasion, in the morning. Can you draw any conclusions from that or not?—I imagine that the conclusion which one might draw from that statement is that this girl was suffering from such defective circulation that periodically her finger nails went blue, but if she had such a defective circulation as to cause her nails to turn blue I should expect her to show more dramatic signs in the shape of breathlessness, or attacks of blueness of face and lips

## Evidence for Prosecution.

Dr. R. D. Teare

Would you have expected such a girl to have been marked A/W<sub>1</sub> on being discharged from the A.T.S. six or seven months previously?—No, I should not.

By Mr. JUSTICE HILBERY—And that was after an examination by a doctor who seems to have had not only the general degrees, but also those of B.M. and B.S. of London. They are very high degrees, are they not?—Yes, they are.

Cross-examined by Mr. CASSWELL—You know Professor Webster?—Yes.

And also Dr. Hocking, the pathologist of the Royal Cornwall Infirmary?—I have heard of his name.

Have you heard that Dr. Hocking took away some samples from these sheets?—I have not heard that.

Did you know that from one of the sheets the sample showed quite a lot of dried urine?—No, I did not.

It is very likely to be the last act of a person before death?—Yes.

By Mr. JUSTICE HILBERY—Is it in the case of strangulation?—Yes.

*Cross-examination continued*—Whether the patient died from strangulation or from natural causes, it is not unlikely that urine would be passed as a terminal act?—Yes.

Is there anything that you have heard in this case that anything taken from any of these exhibits points to rape or attempted rape?—No.

By Mr. JUSTICE HILBERY—What would you expect to find?—I thought that counsel was referring to the presence of semen on the sheets, and also I would expect to find more blood than was found.

*Cross-examination continued*—In the analysis of that urine no blood has been found at all?—I did not know that.

But the presence of the very small cells which are usually found on the private parts of a woman would lead one to believe that here was the passing of urine from parts which were not injured?—Yes.

With regard to the spots of blood, I suggest that although small they are more than you would expect to find from a mere compression of the larynx?—I would not agree with that.

Dr R D Teare

Two are said to have been the size of a sixpence, and two were smaller?—I did not see them myself

I suggest that although small they were too large to be consistent with a compression of the larynx?—I do not agree, but perhaps my meaning would be better expressed if I said they are not too small to be consistent with manual strangulation.

I did not put it that way compression with the thumb and finger?—They are not inconsistent with compression by thumb and finger It is possible to produce strangulation with very small pressure if it is applied in the right place

If a violent death had taken place would you expect to find some signs of it in the bed, for instance, deep creases in the sheets?—I think it is likely

Especially if these sheets were heavily starched?—Yes

With regard to these spots of blood, Dr Hocking finds that they did in fact come from the mouth, in that they show saliva and small flecks of lipstick That would be consistent with a frothing at the mouth?—Yes

Blood and saliva mixed?—Yes

Now supposing one has a history of asthmatic attacks, and some sort of heart disease, would it be possible for a person suffering from these to pass out, to die, under sexual excitement?—I cannot exclude the possibility

By Mr JUSTICE HILBERY—What sort of heart disease are you thinking of that a young person might pass out from in the act of sexual intercourse?—Congenital

In what sort of state?—In a severe form

*Cross examination continued*—An attack of asthma will throw a considerable burden on the heart?—Yes

If you had heard that this girl had had more than one attack of asthma, and if in the course of one of these attacks she had actually foamed at the mouth, would that have made it a little more probable that she might have died in that way?—Well, the story would not convince me that she was suffering from asthma or heart disease

Would you agree that change of the colour of the finger nails is evidence of poor circulation?—Yes

And might be evidence of heart weakness?—Yes

Would you also agree that throbbing pains down her left arm, extending to the fingers, which caused considerable pain, is also a symptom of heart disease?—Yes

## Evidence for Prosecution.

Dr. R. D. Teare

So that if you find that somebody was suffering from that intermittently it would put you on inquiry to see if there was something wrong with the patient's heart?—Yes.

If you have a person who is asthmatic, and also shows signs of heart disease, and that person passed out during sexual connection, I suggest that that is equally consistent with what was found as the theory of strangulation?—No, I would not agree. I feel that what has been found is more in keeping with death from strangulation than death from a heart attack. I was not aware that urine had been found on these sheets. In my experience death from asphyxia in particular, which includes death from strangulation, is frequently associated with terminal urination.

I suggest that death from asphyxia without strangulation will equally lead to the same result?—It may, but you ask me if equally, and I say the chances are not equal.

Re-examined by Mr. ROBERTS—When you were asked to approach this case first, one of the first questions you asked was whether urine had been found?—I did:

You have told the jury that in cases of strangulation the involuntary discharge of urine at the moment of death is common. You did not have that information until you were cross-examined by my learned friend?—I did not.

Now that you know that the defence have ascertained the presence of urine on one of the sheets of this bed, does that strengthen your view as to whether death in this case was from strangulation?—It does, considerably.

Further cross-examined by Mr. CASSWELL—You could not place much reliance on what you could see in the photographs?—No.

Professor Webster has had considerable experience in these strangulation cases?—Indeed he has.

And you have had many as well?—Yes, many.

In such cases is it usual to find marks so high up the arm; is it not far more usual to find them round the wrist?—Yes.

Made when trying to release the hand from the grip?—Yes.

Would you not consider these too high up to be significant?—It is a little more usual to find the marks on the wrists or the balls of the thumbs, but I do not see that these are so very much above the wrist.

Further re-examined by Mr. ROBERTS—Does it follow from that, that in cases of strangulation it is common to find the victim scratches the assailant in the death agony?—Yes.



## James Camb.

Dr R. D. Teare

And that feature is present here, or may be?—Yes

In cases of strangulation you might find deeper creases in the sheets, why would that be?—It might be occasioned by the pressure of the assailant, not necessarily being on top of the victim but pressing on the head

But that would only be of value if the sheets and the bed had been examined when they had been left entirely untouched?—Yes

Here we know that the bed was made shortly afterwards by the stewardess, and that would do away with any creases?—Yes

By Mr JUSTICE HILBERY—And the sheets were then taken away, folded up, to Dr Montgomery, and they must have been turned over and over again as well as being scrutinized by him so that he could cut his specimens out All that would effectually obliterate any deep creases would it not?—Yes

Mr ROBERTS—Before the justices the accused made a statement which I desire to put in now At the end of the depositions, in answer to the caution, he said "I am not guilty of this charge I did not kill Miss Gibson She died in the way I have described. My mistake was in trying to conceal what happened Witnesses already called could, I am sure, have told much that would help in this case, and witnesses in South Africa know about the state of her health That is the case for the prosecution

### Opening Speech for the Defence

Mr CASSWELL—May it please your lordship, members of the jury, it is now my duty to open the case for the defence, and I shall do so in as few words as possible, because, as my friend has said, you are here to decide the case upon the evidence given in this Court The only thing I want to do now is to indicate to you the sort of evidence I hope to call My learned friend said, and he said quite rightly, that probably weeks ago you read about this case in the newspapers, but you probably never then thought that you would have the onerous duty of sitting on the jury and trying it. It may be that you took some little interest in what you saw in the newspapers But I am sure that you will remember that your duty now is to try this case solely on the evidence which you hear in this Court, and not to be influenced in any way by what you may have read in the papers especially because some of the things which appeared in print are not strictly accurate, there-

## Opening Speech for the Defence.

Mr. Casswell

fore I am sure that it is upon the evidence you hear in this Court and on that evidence alone that you will arrive at your verdict.

This case is unusual because, as has been said by my learned friend, there is here no body, and of course if anybody is to blame for that it is my client, but this we must remember, and I am sure that you will, that we are not here to decide whether he ought to have disposed of a dead body, nor is the charge that of having concealed a dead body: what he is charged with is having murdered that girl, and it is for the prosecution to prove to your satisfaction that he did murder her before you can find a verdict of guilty. It is not a question of suspicion, it is not a question of probability; it must be a question of certainty in your minds beyond reasonable doubt; not a flimsy doubt, of course, but by bringing your minds to bear upon it as men and women of the world. That is why you are here so that you may bring common sense to your deliberations. I am not asking for your sympathy; I am not going to attempt to make an oratorical speech to you; one does not hear those things nowadays; in fact, it would be quite wrong, and of no use at all for me to endeavour to appeal to your sympathy, but I do ask you to remember throughout this trial your duty is carefully to examine the evidence and at the end to say whether you are satisfied beyond reasonable doubt that this was a case of killing.

I suppose one of the most unpleasant duties is to have to put questions to a mother about a child whom she obviously believed to be beyond reproach. You may be perfectly sure—at least I ask you to be sure—that I should not have undertaken that painful duty had I not believed that it was an essential point in this case, and may I tell you why? Because the account which Camb is going to give you is the account of a man who had quite an intimate conversation with this girl on the second day of the cruise. Now, if you had it in mind that she was an ordinary girl, very quiet, very reserved, you probably would not believe that story for a moment, and therefore it is necessary, I think, that you should know something of what other people have to say about her, whether she was easy to approach, whether she was ready to go about with men and even to associate with them quite intimately, and whether or not she was a girl who spoke of private and intimate matters quite soon to comparative strangers. It is, it is not, a material point for you to know.

When this man was arrested, and legal aid was granted to him, the solicitor who was assigned to him took his statement—a fuller statement than that which was given in evidence at the Police Court—and at once it appeared to him that further informa-

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tion should be sought. As a result of that he flew to South Africa, and you will have called before you three witnesses who have come from South Africa, and who were closely associated with this young lady for several months before she left that country. You will also have the opportunity of hearing two other witnesses who have come forward—they have not been searched out, they have come forward—one of them reporting to the police, and of course the prosecution with their invariable fairness hand them over to the defence, saying in effect "This witness seems to be rather a witness for the defence than for the prosecution," and so, members of the jury, you will have the opportunity of hearing her manner of life, the sort of girl that she was. You will also have the opportunity of hearing about her general health, and of the symptoms and attacks which other people have seen, and of which they can give evidence. I am not going to go into particulars of what these witnesses will tell you, and for a very good reason from the start that man has not been told the result of any of the inquiries which have been made in South Africa or in this country, and if I were to describe to you now the evidence which is going to be given, then it might be said, 'Oh yes, he heard his counsel tell the jury what these people knew and that has necessarily coloured his own evidence.' He has not been told what these witnesses can say. He knew nothing at all about this girl until she joined the ship at Cape Town on the 10th of October last. If you find, as I hope that you will find, that the evidence of these witnesses who did know things which he did not know at all, and does not know now, corroborates evidence which he can give of what happened in that cabin that night, it might be, and I submit it will be, very very powerful corroboration of his account. You see, knowing practically nothing about this girl it would be highly improbable that he would make up a story and give an account which fits into the previous history of things which happened to her not only in England in 1946, but also in South Africa shortly before she left for this country, not one isolated attack, but several, not one instance of infatuation, but several.

Now, members of the jury, you have heard me attack that witness Detective-Constable Plumley, and you will have appreciated why. The astonishing thing that happened with regard to his evidence—how the accused had given a long statement which had been read over to him and signed by him, yet Plumley would have you believe that shortly afterwards—he says the next day, but my client will tell you that the conversation to which he refers in fact was on the same day—after he had just given that statement,

## Opening Speech for the Defence.

Mr. Casswell

Plumley would have you believe that this man said to him something which would amount to a confession, namely, that he had strangled or attempted to strangle this girl. That, in my submission to you, is almost ridiculous, because you heard what the captain said about the noise which goes on in that ship, and a steward who knew anything about travelling in a liner would know what could not be heard, and so the supposed statement to Plumley is quite ludicrous. I ask you to remember that it is Plumley and Plumley alone who says that anything of that sort was said by my client, not one of the other witnesses says so although they had been questioning him off and on throughout that day. Plumley, having got that which if it was true amounted to a confession, never goes back to the man to get him to sign it as correct. In my submission you will not pay the slightest attention to what Mr. Plumley said. He is a man who left the Force, he says, to better himself, yet, apparently, ever since, he has been unemployed.

What is the case that I have to put before you? Here is this married man, thirty-one years old, with a wife and a girl child of three years. As you know, he was a first-class deck steward, and he has been continuously on service at sea from September, 1933, until October last when this unfortunate occurrence took place. His duty was to look after the passengers on the promenade deck; he had, among other things, to provide them with tea and drinks, and look after their comfort. His duties ran from about six in the morning until midnight or after. He will tell you about the first contact which he had with Miss Gibson, that it was on the second day out on the 11th of October; she was sitting in the lounge in the long gallery, and she asked for a drink, and whether she took a fancy to Camb one does not know, but apparently she kept him in conversation for some time. She could not make up her mind quite what drink she wanted, but she finally decided and he got the drink and took it to her, and for about five minutes they were talking, and she was telling him she was an actress and had acted in London. She seemed very ready to continue a conversation. He will tell you that after about five minutes he was called away to serve somebody else, but he went back to her and the conversation went on for about fifteen minutes. She told him she had been in London, that she had had an affair with a man in Johannesburg and she was crazy about him, and she then said that there were complications, quite clearly suggesting that as a result of her relations with this man there would be some difficulty, and he said to her, "You don't mean to say you are going to have

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a baby? ' and she replied, ' Well, it is too early to know ' ' He said, ' Why don't you marry the man? ' and she replied, ' Well, that is the difficulty, he is married already ' Then she asked him if he could provide her with afternoon tea in her cabin, and he told her that that was not his job, the deck steward was not allowed to take tea to a passenger's cabin. Some afternoon afterwards, I do not know whether it was the next afternoon, a man called Matthews a bedroom steward, came to Camb and as a result Camb went with him with a tea tray to Cabin 126 and there he saw Miss Gibson again. When he got there he told her it was contrary to orders, he was not allowed to provide tea there, that was the cabin steward's job, and she said that she would want tea every afternoon, and he told her she must ring for the bedroom steward, and if she wanted supper she must ring for the night watchman.

From that time onwards he met her occasionally, and they passed the time of day, and what he used to do for her was to put out her supper tray on a sort of polished box outside the pantry and the tray would be collected and taken to her by the night watchman. Now on Thursday, the 16th of October, Camb saw that the supper tray that he had prepared had not been collected. He remembered that Miss Gibson had previously asked for a double rum to be taken to her cabin, so he got one before the bar closed and he put it on that cabinet. Later Camb noticed that the glass with the rum in it had gone but the supper remained there on the tray, it had never been collected, and he will tell you that the next time he saw Miss Gibson that is, at 10 30 that night, he remarked about that. He will tell you that it is quite correct that he said to her, ' I have a bone to pick with you ' She said, ' Why? ' and he told her she had taken the rum, but not the tea tray, which he had prepared for her. He will tell you that she said that she wanted another rum that night, and gave him the money for it, and that Camb said he had a good mind to bring the drink down himself to her cabin. Whether she heard his remark or not he cannot say, she was with her friends, but he took down the drink when she was in the act of looking for a swimming suit. She did not seem averse to the meeting. It would have been far better if she had been, for then we should not be here. But on that occasion she had given no specific order for supper and he made an excuse to go to her cabin shortly after eleven that night, and asked about her supper, and he suggested that he would be coming down later when he had finished his duties, and the reply was, ' Please yourself, it is up to you '

## Opening Speech for the Defence.

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Well now, just before 11.30, he will tell you, he put out the drink as usual on that box; he was rather late in getting finished that evening. About one a.m. he noticed that the rum had gone and just opposite where it had been there was an alarm clock which he took to be Miss Gibson's alarm clock, and he wondered why she had left it there, whether it was a signal or why it was there he could not tell. Then he went out on the promenade deck and there he found her. You know she was there about one o'clock, and he gave her the clock which she admitted was hers. Then he locked up the pantry and proceeded to slip down to her cabin. She had not then returned. He knocked and then opened the door, but she was not in the cabin, so he went away to a place that they call the well deck. Then about two a.m. he went back to the cabin. He tapped gently on the door and it was opened to him, apparently it was not locked or bolted, and there, inside, was Miss Gibson, dressed in a dressing gown and slippers, and she said, "Oh, it is you." He took in the drink for her, and he will tell you she went to the bed, and she lay on the bed, sipped at this drink, and invited him to sit on the bed beside her, and they talked of various things. After a while she made it plain to him that she was not dressed underneath this dressing gown, and what happened was—wrong as it was no doubt, but it was what one might expect in these circumstances—he made love to her and finally got on to the bed with her and sexual intercourse took place.

Now while that was happening he had his right arm partly under her waist, she had her left hand resting on that arm and she was stroking his hair with her other hand and then suddenly she stiffened, her body seemed to stiffen; her left hand clasped convulsively at his right arm, and, he said, gripped it so strongly that it quite hurt him; at the same time the hand which was behind his head stiffened and pulled his head down towards her. That was merely momentary, this sudden stiffening, and then as suddenly she relaxed, and on her lips came a sort of dark froth. He immediately stopped; as far as he could see she was dead. He listened; he felt her heart; he listened for heart throbs, and he could hear nothing. Then he thought this was a mere stoppage of breath, and so, for about twenty to twenty-five minutes he tried with the best of his knowledge to apply artificial respiration. He looked round the cabin to try to find some smelling salts, or anything likely to bring her to. But he failed to find anything, and he failed to excite a single spark of life in that motionless body. Then, suddenly, with no sort of notice, comes a tap on the door, and the door opens, and immediately he pushes it to in the face of who-

## James Camb

Mr Casswell

ever is there, and says, "All right," and then bolts the door. He was frightened before, now he was absolutely panic stricken.

Members of the jury, you may be quite sure what he ought to have done. He ought to have gone to the doctor straight away, he ought to have communicated with somebody, he ought to have seen to it that other assistance was brought to that girl, but, members of the jury, in moments like that sometimes human nature asserts itself and the first thing one thinks of in panic is self. He knew that if he should be found in that cabin it was the end of his employment, the job by which he was keeping himself and his wife and child would be at an end, to be found in a woman passenger's cabin would inevitably mean that he would be instantly dismissed, his discharge book would be endorsed and he would never get any similar job in any reputable line again. I do not suggest to you, members of the jury, that he thought it all out as carefully as that, but I do suggest that it was at the back of his mind, and he will tell you that whereas he had been frightened before, he was literally in a panic and did not know what to do. A man had come to the door of the cabin and he did not know if that man had recognized him or not. He knew that if he had been recognized there was likely to be an immediate report to the night watchman and the night watchman would report to the bridge, and so he expected every moment that somebody would be coming to the cabin and find him there with this lifeless form. You may say that it would have been better for him to have got away at once. No doubt it would have been better for him to have got away at once, but at the moment his one idea was to get rid of the body. He will tell you that he has no doubt whatever that she was dead. He had been trying to revive her for at least twenty-five minutes. He managed to lift her body to the port hole and slip her through, and then off he went.

Then it is said that he told lies. It is true he did tell lies. My learned friend has pointed out that five times he told lies. But telling lies does not make it certain that he is a murderer. It may be that he was not truthful, but how many men in such a position would not tell lies? It may be that if any one of you found yourself in such a predicament you would be tempted to lie. Of course the proper thing would have been at once to explain everything that had happened, but who among us is always strong enough in such a situation to say, "I must tell the truth no matter what happens." Unfortunately he did not take that line, so you will see that having told one lie he went on to tell lie after lie until he was in the police headquarters. And then it is said against him,

## Opening Speech for the Defence.

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and said by my learned friend with considerable force, "Ah, it was when Sergeant Gibbons said to him, 'You know, it may be you have a perfectly straightforward explanation, but the longer you withhold it the more difficult it will be for you to get it accepted'; and then it suddenly occurs to him, 'I can say that it was accidental,' and so he says, 'Do you mean it might have been an accidental death caused by heart failure?'" There is another way to explain it: Here was this man, knowing this woman had died in this way, and at last he sees a glimmer of hope. At last, listening to the suggestion of Sergeant Gibbons—"You may have an explanation"—he gives that explanation, an explanation which you may think was prompted by the officer until you have heard the other evidence which I am in a position to call.

Members of the jury, of course the defence does not stop there. With regard to the evidence of Plumley. Camb says Plumley was left alone with him, and he says that it was Plumley who made suggestions to him such as, "What you did to this woman was you went to her cabin and she objected and I suppose you put your hands round her neck, and then you threw her through the port-hole." It does not rest there. The defence have had the advantage of the assistance of Dr. Hocking, a man of great experience, and he has examined these sheets and pillows and he has found a great deal more than did the doctor who first examined them, and he will tell you what he has found. He will tell you that although in some ways what has been found is consistent with strangulation, yet, at the same time, is it equally consistent with somebody having died as the result of asthma and some kind of heart failure, that is not at all unknown. He will also tell you that, having died in that way, what you would expect to find is exactly what was found on this sheet. You will also have the opportunity of hearing what Professor Webster has to say. Professor Webster one usually finds called on behalf of the Crown because he is one of the best-known pathologists in the country to-day. Professor Webster will tell you that in his view it is very probable that this woman died in the way this man says she died, and that there is no medical impossibility in it at all. I do not suppose that I need make any secret of it. Professor Webster was first consulted by the prosecution, and having obtained Professor Webster's opinion they passed him over to the defence, therefore you will have an opportunity of hearing him for the defence, and if his evidence amounts to what I have told you, I shall submit that you cannot possibly convict in this case. If you believe him and think his opinion is well founded, that will be the end of this case. I hope I have not taken up too



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much time, I shall have to speak to you again when I have called my evidence. I do ask you to remember that there are two sides to every case. You have heard, and I suppose it is still in your ears, the opening speech of Mr Roberts, made with such force, and you may be quite sure he has not omitted a single fact or argument which would throw suspicion upon this man, while doing his duty with that fairness for which he is famed, but I am sure you will give as much attention to the evidence of the defence as to that of the prosecution. Now, with the assistance of my learned friend, I will call that evidence before you.

### Evidence for the Defence.

JAMES CAMB, sworn, examined by Mr MOLONY—I am thirty-one years of age, married and live at Clover Street, Thornliebank, Glasgow. I have a little girl of three. I have been at sea since 1933, always on the catering side except for a short period during the war when I served on the armed merchant cruiser *Arawak*, returning to the merchant service in 1941. I have been with the Union Castle Line off and on since 1935, and have served with them continuously since early in 1945.

You were on the trip by the *Durban Castle* leaving Cape Town on 10th October last?—Yes.

Were you serving on that ship as a first-class steward?—I was.

Did Miss Gibson, one of the first-class passengers, come to your notice at an early stage of the trip?—Yes.

That was after the ship had sailed from Cape Town?—Yes, either the first day out or the second, I am not sure which.

Where did you come into talk with her?—She was sitting in a bay window in the long gallery.

We have already heard that your pantry was just off the long gallery?—Yes, correct. My normal work covers all the promenade deck, and occasionally the long gallery.

You had to attend to the wants of the passengers, and you would work it from your pantry?—Yes.

You would get your trays from there and your drinks?—Yes, the trays, but the drinks from the bar.

Where is your pantry?—In a little recess off the long gallery.

Where was Miss Gibson when you first noticed her?—Alone in a bay window in the long gallery.

Did you have some conversation with her?—Yes.

Was that because she summoned you as steward?—Yes, she called for a drink.

## Evidence for Defence.

James Camb

What conversation took place after that?—Well, actually, the conversation was confined to drinks at that moment: the quality, and the type of drink we carried on the ship.

Did you serve her with a drink?—Yes.

Did you have any further talk with her then?—I did, for ten or fifteen minutes, or perhaps a few minutes longer.

There were not many passengers in the first-class on that trip?—No, as near as I can remember I think there were fifty-five, which is practically an empty ship to us.

Did you learn anything about Miss Gibson from this conversation?—Yes, I learned that she was in the profession of acting; she had been in London, and she was returning from Johannesburg.

Did she tell you what she had been doing in London?—No.

Did she tell you where she had been acting?—Yes, Johannesburg.

What friends did she speak of, if any?—First of all she mentioned Eric Boon, the boxer; she said he had been in some show with her in Johannesburg.

Did she mention any other friends of hers?—She spoke of a gentleman by the name of Charles; she did not mention his surname.

What did she say about him?—She said she was crazy about him; she had been going around with him in Johannesburg.

What else did she talk to you about?—She said that she was very fond of this man, but possible complications may have set in.

Did she say anything to that, or did you say anything?—I said, in a joking fashion, "You don't mean to tell me you are going to have a baby?" She said, "Well, it is rather too soon to know." I said, "Well, if that is the position why don't you marry the man?" She said, "It is not quite so easy as that as he is a married man," or "already married."

Were there other things discussed between you that you can remember now?—No. A few moments later she mentioned about afternoon tea, before I was called away; that was at this conversation in the morning, before lunch. She asked if it was possible to have it in her cabin. She gave me the impression that she was in the habit of having a rest after lunch, and I said the thing could be attended to; such a thing is not unusual.

Did she give you an order for afternoon tea?—She asked me if I could attend to it. I explained to her that for tea she should ring for the bedroom steward on duty, who would come up and collect the tray from me.

Did she get tea in her cabin that afternoon?—She did.

## James Camb.

James Camb

Who prepared the tray for her?—I had the tray all ready. The bedroom steward came up and said that I was requested to take it. I then pointed out the undesirability of that and said it was his preserve. We compromised about it, and he took the tray and I went with him.

Did you see Miss Gibson in her cabin when you went there?—Yes.

Did you have a conversation with her?—Yes.

Who was the bedroom steward?—Matthews.

Did you make any further arrangements with Miss Gibson about afternoon tea?—I pointed out the impossibility of my being able to take it down to her, partly because I am not allowed to take tea or other refreshments to any cabin, but mostly because I was terribly busy serving tea on deck at four o'clock.

Did she want any other service in her cabin at any other times of the day?—She asked if it would be impossible to have a tray at supper time.

What sort of time would that be?—Late in the evening, about eleven o'clock, or it may be a little later. I explained the position, she could ring the bell, the night watchman would answer, and she could send him up to me, and everything would be ready for her.

At what time did the night watchman take over the duty of answering bells from the cabins?—At ten p.m.

Did she give you an order for a supper tray?—Yes, a standing order for a tea tray about eleven o'clock.

From that time you had a standing order to prepare a tea tray for her tea and a tray late in the evening?—Yes.

Which meant merely laying out the trays and making the tea when they came up for it?—No, the person who came up for the tea infused it. I would simply prepare the tray.

The steward would actually make the tea when she rang for it?—Yes.

That all happened on the first or second day out, but you are not sure which?—That is correct.

During the next few days did you see Miss Gibson about?—Occasionally, yes.

In the long gallery?—Yes, but not in the cross alley.

Did you have conversation with her on any occasion during the next few days?—On several occasions.

Can you remember any particular occasion when you spoke to Miss Gibson?—Not now, particularly, with the exception of the night of the dance, that is the 17th October.

## Evidence for Defence.

James Camb

Did you prepare a spare tray on the evening of 16th October?—Yes.

Did she have anything else served to her in her cabin in the evening in addition to the tea?—Not until that night, to the best of my knowledge.

What did she have on that night?—She asked for a large rum.

Was she in the long gallery then?—No, she was sitting outside in the verandah.

You answered her bell?—Yes.

And got the rum?—I saw it put up.

Where was that?—On the bottle box, just outside the bottle bar.

Did you leave the rum there for her?—I did.

What happened to you after leaving it out there?—I went on working until the usual time, between 12.30 and one in the morning.

Was the rum there when you went off duty?—I do not think so.

You think she had taken it off the bottle box?—Yes.

What happened to her tea that night?—I did not notice until the next morning when I saw the tea had not been used.

Was the glass of rum on the bottle box?—No, that had disappeared.

On 17th October did you speak to Miss Gibson?—Yes, in the long gallery about eleven o'clock in the evening.

Was anyone with Miss Gibson at the time?—No, she was passing through.

What did you say to her?—As near as I can remember I said, "I have a bone to pick with you."

Did she ask you what it was about?—Yes; she was quite friendly about it.

What did you say, and what did she reply?—I said, "You did not use your spare tray last night nor your tea tray to-day." She said that the evening before, having rum, she did not desire tea, and it was very hot anyhow. She also explained the reason she had not taken her tea that day was that she had been asleep.

Did you know Mr. Hopwood by name at that time?—Yes.

Did you ever mention his name in conversation with Miss Gibson?—Only, jokingly, but I cannot remember when.

On one of the occasions when you exchanged words with her?—Yes. I cannot remember what I said. I think it was something to the effect that he was taking a fatherly interest in her.

By 17th October on what sort of terms were you with Miss Gibson?—I should say on extremely friendly terms.

## James Camb

James Camb

To return to this meeting in the long gallery, when you said you had a bone to pick with her, did she give you an order for further service?—Yes, she asked for a rum to be left out that evening

You said you would look after that, no doubt?—Yes, she paid me for it

Did you say anything to her?—I don't think I said anything further at that moment

How was she going to get the rum?—I was to leave it in the usual place I gathered from that that she meant on the bottle box

Did you think at any time during the day of going to Miss Gibson's cabin?—I did not think of it, no

When did the idea first occur to you?—Soon after she left me in the long gallery, in the evening

Did you see Miss Gibson in the course of that afternoon, after the conversation with her?—I did, about five minutes later I went down to her cabin to inquire as to whether she would require a supper tray that night, which had been overlooked, or whether she would require some lemonade to take with the rum

Did you know at that time that she was in the cabin?—I assumed so, she had gone down with that intention

How did you know where she had gone?—There had been some suggestion of her taking a swim by some of the gentlemen passengers, and she was going down to get her swim suit. I should say this was slightly after eleven

Did you see her in her cabin?—I did I asked her, did she require her supper tray or lemonade, and she said, neither I said, had she found her swimming costume, and she said, no, it must have been in one of the other trunks I said to her in a half joking fashion, "I have a good mind to bring a drink down and join you"

Would it have been possible for you to have joined her there and then?—No

Did she know that?—I think so

By Mr JUSTICE HILBERY—What would have prevented you from joining her there and then?—I was still on duty, sir, and above all else, the bar was still open

Then what made you make that observation?—It is hard to say, simply because we were so friendly by that time

What was it you intended to convey?—I think I intended to convey what really happened later

## Evidence for Defence.

James Camb

Was any time discussed as to when you might join her?—No, I simply suggested later.

What was her answer?—I am not sure of the exact words, but I think she said, "Please yourself; it's up to you."

*Examination continued*—Did she say anything to you which showed that the idea was objectionable or distasteful to her?—No.

Did you then go back to your bar and pantry?—Yes.

Did you put out for her the drink that she had ordered earlier?—Yes.

Up to what time were you working in your pantry that night?—Until a few minutes before one a.m.

About one o'clock was it your duty to stack up the chairs?—As soon as we could do so when not required by the passengers.

About what time that night did you begin to do that?—I should say a quarter-to-one.

Was the rum you had set in the bottle box still there?—No.

Was there anything else there?—An alarm clock.

Had you seen that before?—Not to my knowledge.

Is Exhibit 28 the alarm clock you saw or not?—I believe it is.

At that time, rightly or wrongly, did you think that it belonged to any particular person?—I thought it might have belonged to Miss Gibson.

When did you see Miss Gibson again?—Within a matter of a few seconds.

Where was she?—She was just outside the door, about 10 feet from the box. She was just standing there with the glass of rum. I believe she was smoking.

At that time were there any other passengers on the deck?—No.

At what time did the dance end that night?—At eleven o'clock.

Did you speak to Miss Gibson?—Yes.

What about?—I had already picked up the clock, and I said, "Is this your clock?" She said, "Yes." I said, "You won't want to leave it there or you might lose it, might forget it." I then gave it to her.

Did you stay on deck?—I left her on deck, and went and finished off my few odds and ends in the long gallery. That would be about one o'clock.

You do not know whether she stayed on deck or left it?—No.

After you had tidied up, where did you go?—I locked the deck pantry, and went down to Cabin 126; it would be a few minutes after one o'clock.

Was there any light in the cabin?—Yes. I knocked on the

## James Camb

James Camb

door, and opened it, but there was no one there. I then went to the crew well deck, forward, where I stayed for a full hour

Where did you go then?—I went back to Cabin 126

Did you go into the cabin?—I did

How was Miss Gibson dressed?—In a yellow dressing gown

What lights were on in that cabin?—A small bed light was on at that time

Was that a cylindrical light against the wall?—Yes

Was there any other light in the cabin which might be on?—There was one on the ceiling, but it was not on

How were you dressed?—I was wearing blue trousers, and an open neck sleeveless singlet.

How were your trousers held up?—By a belt suspended through loops

After you got inside the cabin what happened next?—Miss Gibson reclined on the bed, and I sat on the edge of the bed

You could see she had a quilted dressing gown on, what other garment did she have on?—At that time I had no idea, but later I saw she was wearing nothing at all

How long did you remain in that relative position?—I should say ten to fifteen minutes

During that time was there any conversation?—We talked about the dullness of the dance

What had happened to the rum drink that Miss Gibson had had put out by you?—She had been steadily sipping it until it was finished, and then she put it on the dressing table.

What happened after the five or ten minutes?—I climbed on to the bed beside her

Did she raise any objection?—No

Did she have any shoes on when you came into the cabin?—Yes, they were unfastened and she just kicked them off

Did she have any slippers on at any stage?—It may have been slippers she had on when I went to the cabin, but whilst I was on the bed she had no slippers on

At what stage did you see whether she had clothing on under her dressing gown?—Almost as soon as I laid down beside

How did you see she had none?—When she unzipped her dressing gown, which fastened up the front, full length

What happened after that?—There was a certain amount of preliminary love play, and then sexual intercourse took place.

When intercourse took place what were your relative positions?—I was lying on top of Miss Gibson, I was face down



JAMES CAMB.



## Evidence for Defence.

James Camb

Where was her head, on the bunk or bed?—Actually it was in the crook of my arm, the left arm.

Which end of the bed was that?—The pillow end.

So you had your left arm under her head?—Yes.

Where was your right arm?—Resting on her hip.

Where were her hands?—She had one hand, her right hand, around my neck, and her left hand was holding my right arm.

Was she still wearing the dressing gown?—Yes; by that time it was fully opened. I unloosened my belt and unfastened my trousers.

Did the intercourse between you follow a normal course?—Yes.

What happened in the end?—Well, just as intercourse would normally have come to an end she suddenly heaved under me as though she was gasping for breath, as though she was taking a deep breath.

What happened to her body?—It stiffened for a fraction of a second and then relaxed completely limp.

Did you notice anything about her hands?—Her right arm was still round my neck when she heaved against me. That arm automatically tightened, and the left arm, holding my right forearm, gripped tightly. All this happened in a matter of seconds.

Did you feel anything in your right forearm at the time her grip tightened?—No.

What did you do when her body showed these symptoms?—I immediately got off the bed. She was completely relaxed as though she was in a dead faint. One eye was just slightly open. Her mouth was a little open, too. There was a faint line of bubbles which I assumed to be froth, just on the edges of the lips. It was a muddy colour, and appeared to be slightly blood-flecked.

What did you feel about all this?—I was rather stunned for the moment.

Did you do anything to the body of Miss Gibson?—First of all I listened and felt for her heart beats. I could not find any, and I attempted by massaging the stomach towards the heart to bring back circulation.

Had you any experience of artificial respiration?—No; I had seen it demonstrated, and I applied it as best I could.

Did you get any sign of reaction to your treatment, any sign of life?—No.

Did it occur to you to try to revive her in any other way?—I automatically thought of smelling salts, but I could not see any. I looked on the dressing table.

## James Camb.

James Camb

For about how long were you trying to revive her?—I should say twenty to twenty five minutes

By Mr JUSTICE HILBERY—Where was she when you were, as you say, trying to revive her?—Lying face upwards on her bunk or bed

Where were you?—Standing beside her

*Examination continued*—We have heard that two bells were rung from Cabin 126 Did you know anything about that at the time?—No

What was the first thing you knew of the night watchman having heard a bell rung?—There was a very light tap on the door and the door immediately opened

Where were you, and what were you doing at the moment that happened?—I was standing by the side of the bed attempting artificial respiration

There was nothing stopping the night watchman, or anybody else, from walking into the room?—I stopped him

Is there a bolt on the inside of the cabin door?—Yes

After he opened the door, did you push it in his face as he has described?—Not quite as literally as that, but I did shut the door to prevent him coming in

Did you say to him, 'It's all right'?—Yes

Is there a provision for a curtain in Cabin 126?—Yes, one small one over the port hole, and one bigger one over the door

Was there a curtain in Cabin 126 that night?—Yes, over the door

What is the effect of that curtain on the view of anybody looking into the room from the door?—The normal position of that curtain when it is not in use is on the left hand side of the door, coming into the cabin, and the door opening to the right, that curtain automatically blocks the view for the first six or seven inches It was in its normal position, pinched back.

Did you think that the man at the door had recognized you or not?—I doubted it at the time

Did you have any doubt as to whether he had seen a man in that room?—I knew he had seen a man, but I was convinced that he did not know who that man was

Did you think a report would be made by him?—Yes, immediately

And as that feeling came over your mind what was your sensation?—One of complete panic, I am afraid

## Evidence for Defence.

James Camb

What were you afraid of?—Being found in that cabin. I knew that in the circumstances of being found in a lady passenger's cabin I should lose my job, and forfeit any chance of employment in any shipping company for that matter.

Did you look again at Miss Gibson on the bed?—I did. I tried once again to bring some circulation into her body, but I was not successful.

Did you notice anything about the temperature of her body?—To my mind, at that time—I may be wrong, but I thought the touch of her body was slightly cooler.

After the night watchman had been, for how much longer did you attempt to revive her?—About fifteen minutes.

Without success?—No success.

At the end of that period of fifteen minutes did you have any conclusion in your mind as to whether she was dead or alive?—I concluded she was dead.

Was there any doubt in your mind on that subject?—Not by that time.

Is there any doubt in your mind now?—No.

What did you decide to do?—I confess now it sounds very foolish, but I hoped to give the impression that she had fallen overboard, and deny all knowledge of having been to that cabin, in the hope that the captain's further inquiries would not be too severe.

What were you going to do then?—Dispose of her body by pushing it through the port-hole.

What did you actually do?—I lifted her up and pushed her through.

What garments were on the body when you did that?—Just the dressing gown.

Did you find it an easy thing to do?—No; the body was slack and rather awkward.

After that did you stay in Cabin 126?—No, I returned to my own quarters.

When you left Cabin 126 did you alter anything in the cabin?—I did not disturb anything.

Did you go back to your own bunk and spend the night there?—Yes.

At any time did you put your hands round Miss Gibson's neck?—No; all the time we were lying down my left arm was round her neck and the palm of my hand would be on her shoulder: it was there all the time.

You say your left arm was under her neck; was that an act

## James Camb.

James Camb

of violence?—No I said my left arm was underneath her neck, but actually her head was resting in the crook of my arm

Did you do anything violent to her at any stage?—No

Was there any reason why you should?—No

Were you up at your usual hour of 6 a m the next morning?—  
I was

You heard the loudspeaker announcement—heard of her reputed disappearance?—I did

What was your first interview with the authorities?—At a few minutes after eleven o'clock on the next morning, Sunday, I saw the captain He asked me if I had been in or around Cabin 126 at about three o'clock that morning

Did he tell you why he was asking you that?—No, not at that time

Did he tell you why he was questioning you in particular?—He mentioned the reason when the inquiries were being made at a later stage, when I interviewed him the same evening I denied all knowledge of having been in that vicinity

Was the captain the first you saw?—No, I saw the doctor first

### Third Day—Saturday, 20th March, 1948

JAMES CAMB, *examination continued*—Does your recollection of the bed in Cabin 126, when you left it in the early hours of 18th October, confirm the correctness of the photographs Nos 5 and 6?—In photograph No 6 there appears to be a folded blanket at the foot of the bed That was not there the night before

Was the top sheet pushed back in that way?—I believe it was folded back half way I think the pillows are in the position I left them in

Did you see the captain again on 18th October?—No

Did you see the witness Murray on Sunday, 19th October?—Yes, a few moments before six a m

What was he doing?—He was writing an official report from the head night watchman to the captain of the ship about the disappearance of Miss Gibson

Did you have any discussion with Murray?—Yes, in a general way

Did you know that the report included a reference to a man having been seen about three o'clock in Cabin 126?—Yes, I saw it

Did the report say that you were the man?—No

Did you think that you had been identified as the man seen in that cabin on the morning of the 18th?—No

## Evidence for Defence.

James Camb

It was the same Sunday morning that you were examined by the ship's doctor?—Yes.

Is his description of what he found in the way of scratches and abrasions correct?—I noticed in his evidence he said he found scratches on my left shoulder. That is not correct; those scratches were on the front.

Is the explanation he told us you had given him what you did in fact give him?—Yes.

Leaving aside the right forearm at the moment, what do you say about the explanation you gave him of these scratches and abrasions?—I told him I had scratched myself in bed.

Was that true?—That was true.

To what particular scratches did you refer?—All of the scratches, with the exception of the marks on the back of my neck.

How did you account for these?—I told the doctor I had broken the skin with the use of a harsh towel. To the best of my knowledge, I did not scratch them at all.

And as regards the left shoulder?—I scratched that myself.

And the left wrist?—I also did that.

What led to these scratch marks?—Irritation in the hot climate and continual perspiration.

Is that unusual?—Not particularly, no.

During the day time, when you are serving passengers in the first-class accommodation, how are you dressed?—In hot weather in a white deck suit.

Long sleeves?—Yes, a long sleeved jacket buttoned up to the neck, with no collar and tie.

And all the time you are on duty, that is your appropriate dress?—Yes, until the evening.

What about the marks on your right wrist?—I scratched myself.

While you were in company with Miss Gibson that night, had you received any injury of any sort?—No.

Did no blood come from your body while you were in that cabin?—To the best of my knowledge, no.

Are Exhibits 9 and 10 your letters?—Yes; No. 10 was written before I saw the doctor, and No. 9 after.

How did Exhibit 9 come to be written?—I had been approached by the chief steward, who suggested that I should put in writing the statement I had made to the captain the day before.

With regard to Exhibit 10?—The doctor himself suggested, for my own benefit, that I should write a reasonable explanation, or the explanation I had given him, for the captain's benefit.

## James Camb.

James Camb

Did you give the doctor an explanation as to how the marks on your right forearm, above the wrists, had been caused?—I said I had scratched myself in bed

Is that the true explanation of how they were caused?—It is.

Did you have any conversation with Steer after 18th October?—I did, about two days after

Did you know that he was the man who had come to Cabin 126 that night?—By then I did Murray had told me

By that time did you know you had been identified as the man in the cabin?—No

Steer has given us an account of the conversation What is your version of it?—I won't swear to the actual words, but, as near as I can remember, I opened the conversation Steer at the time was in the wash house I said, 'Look, is it true that you told them on the bridge that I was the person in that room?' He said, "No" I said, 'Well, if such is the case, you have put me in an awkward spot.' I said, "Thank heavens, I have not been with her this voyage

Did you think one way or the other that you had been identified as the man who had been in Cabin 126 that night?—No

What did you think about it?—I still thought it highly improbable that I had been recognized

Then the trip was completed and you got off Cowes Roads on 25th October, and the police officers came on board Did they see you?—They did

Is the account given by Sergeant Quinlan substantially correct?—It is, as near as possible, the whole truth as can be

Then you were taken ashore to the police headquarters at Southampton, and left there while the police officers returned to the ship to make inquiries Did you see the police officers again that day?—Yes, Sergeants Quinlan and Gibbons, and Constable Plumley

Did Detective Constable Plumley address any questions to you during the course of the interview?—One or two

What other police officers were present at that time?—Detective-Sergeant Quinlan was there most of the time

Can you recollect any particular question which Plumley addressed to you?—I can remember one perfectly, 'How do you explain the scratches on your wrist?'

Before Detective Sergeant Gibbons came to see you about 6.30, had you been in the company of Plumley and Quinlan?—I had

## Evidence for Defence.

James Camb

Had you seen Detective-Sergeant Gibbons earlier that day?—I believe he was the officer who came and asked me whether I had any objection to being finger-printed.

Do you recollect any remarks or questions addressed to you by Plumley or Quinlan which have not been given in evidence?—I can remember several remarks. One by Plumley was to the effect that no matter what I had already outlined, they were prepared to prove that at three o'clock on the morning of the 18th I was in that cabin, and prove it conclusively.

Was that said in the presence of Quinlan?—Yes.

Was it before or after you made the statement, Exhibit 24?—Before.

Do you remember any remarks by Plumley, in particular?—Yes. He said, "I don't know whether you know it, but you are aware—or, you know, don't you—that she was strangled and she was pushed through the port-hole?"

Was that before or after you made the statement in Exhibit 24?—Before.

Was Quinlan there then?—Yes.

You have given us Plumley's remark; what was your reply?—I believe I said, "You are the one that is telling me."

Do you recollect anything further that was said by either of the police officers on that occasion?—Yes. Plumley said, "I don't suppose you know that we found blood stains on the sheet." I said, "No, I didn't." Then he said, "Such was the case, we did."

Did Sergeant Gibbons come into the cell or room where you were at 6.30 that day?—Yes.

Were the other police officers there at the time?—Yes, Quinlan and Plumley.

How long before Sergeant Gibbons' appearance had these remarks you have told us about been made?—At least half an hour.

Is the account that Sergeant Gibbons has given of what he said to you in the presence of the other police officers substantially correct?—With one exception.

How did he say what he had to say?—Instead of saying, "If it could be proved that you were in the room," he said, "If it could be proved that a person was in the room."

After making certain observations about the case he says that you said, "Does that mean that I murdered her and I shall be charged with murder?"; did you use those words?—I think I did.

How long had you been in police custody at that time?—For twelve hours.

## James Camb

James Camb

And then it is said you referred to the possibility of death from some other cause. Can you remember the words used in that connexion?—I believe they were, "Do you mean that she could have died from some other cause?" That is all.

Was there a reference by Sergeant Gibbons to the scratch marks on your wrist or wrists?—I am certain that there were no remarks made about scratch marks at that time.

Did he leave you with this remark, "I am going to leave you with Sergeant Quinlan, but before I do that I want to be sure that there is no doubt in your mind of the circumstances in which you are placed"?—Words to that general effect.

You made the statement, Exhibit 24?—That is correct.

Was that dictated and signed by you?—Yes.

Was that made after Sergeant Gibbons had been there and had left you in the company of the other two police officers?—Yes.

Can you say what went wrong with the first attempt to get your statement into writing?—Yes, I noticed many typing mistakes.

In this statement you use this expression, "I am fairly sure at the time she was dead, but I was terribly frightened." Did you use the words "fairly sure"?—I think so, merely a matter of speech.

What in fact was in your mind about whether she was dead or alive at the time to which you are referring?—I was sure in my own mind that she was dead.

What happened after that statement had been completed—the one you signed?—I believe Sergeant Quinlan took it down to the chief constable or to someone of superior authority.

When he went away in whose company were you?—Plumley's.

Was there any conversation then between you and Plumley?—Yes. He opened by saying, 'Now look, this is off the record, you went into that cabin with one intention, and because she would not let you have your own way you throttled her and slung her through the port hole. That is what happened, isn't it?' I said,

No. I have already made my statement and I have nothing further to say.' He said, "My God, man! There must have been a hell of a splash. Weren't you afraid of the officer of the watch hearing something?" I didn't answer that because, being a seaman, I knew the impossibility of such a remark. He said, "I suppose the blood on the sheets may have come from your wrists." I said, Possibly.

What did you mean by that?—Well, I had the idea at that time that Plumley was trying to make me say something incriminating.

Did he mention anything else to you?—I don't think so.



## Evidence for Defence.

James Camb

How did that interview with Plumley end?—Sergeant Quinlan came back.

Did you have any further conversation with the police officers that day?—Yes, sometime after eight.

Who did you see then?—I was sitting in the large police room when Plumley came to me and asked me to sign a form permitting the police to have blood tests and other things taken, which I signed.

Look at Exhibit 25. Is that your signature?—That is, but at the time there was no date on the form.

Mr. JUSTICE HILBERY—One minute. In view of that last answer, members of the jury, I will pass this form to you and ask you to look at the whole of it. The date is typed and the form is typed. You will form your own views as to whether that typing was done at the same time or a different time. The importance of the matter is that he places this conversation with Plumley as on the 25th. Detective-Sergeant Quinlan said that it and this consent was asked for after he had been formally charged with murder, which was on the 26th.

By Mr. JUSTICE HILBERY—Did Sergeant Quinlan ask you whether you would have any objection to having the scratch marks on your wrists photographed and a sample of your blood taken, before Plumley came to you with the consent?—No, my lord.

Then when he told us that he had, that was incorrect, was it?—Yes, it was.

*Examination continued*—Did anything further happen on the 25th after you had signed the statement, Exhibit 25?—No.

You were kept over night in custody?—Yes.

Did you see Plumley on the 26th?—Only when I was charged by Sergeant Quinlan, about 1.30.

Plumley has told us that he saw you on the 26th at eight o'clock in the evening?—That is incorrect.

And that you made certain remarks to him at that time?—No.

Did you say, "I didn't think it would be as serious as this"?—I said that to Sergeant Quinlan before he charged me.

"All I am worried about is my wife," and, "I have not had any sleep since this thing"?—Those two phrases were said on the Saturday night after I had made my statement.

Did you go on to say, "I cannot understand why the officer on watch did not hear something"?—No.

## James Camb.

James Camb

Where would that officer be?—On the bridge

Could a noise be heard from the bridge if someone were cast from a port hole as far away as Cabin 126?—I should say it was impossible to be heard

Did you say, "It was a hell of a splash when she hit the water"?—I did not.

"She struggled"?—I did not.

"She had my hands around her neck and when I was trying to pull them away she scratched me"?—No

"I panicked and threw her out of the port hole"?—I did not say any of it.

Would 'threw her out of the port hole' be a correct description of what happened?—No, I should say the correct term would be "push "

Did any of that supposed conversation take place, or were any of those supposed remarks made by you?—No

Do those remarks contain a true description of what happened?—No

Did you ever have your hands around her neck?—I did not.

Have you learned from certain newspapers you have read in Winchester Prison that certain witnesses were coming from South Africa to give evidence for the defence?—I have

Are any of those witnesses known to you?—Not one

Have you ever encountered any of the witnesses for the defence before your committal for trial?—No

Have you seen any of them since then?—No

Or at any time to your knowledge?—I have not seen any of them

Cross-examined by Mr ROBERTS—Would you describe yourself as a truthful man?—I think so

You do You were the last person who saw Miss Gibson alive?—Yes

You put her through the port hole at three o'clock on the morning of 18th October?—Yes

Did you, for the next eight days, make untrue statements with regard to that on at least six occasions?—I did that, yes

How does that fit in with your description of yourself as a truthful person?—I would say that that deception arose from the predicament that I found myself in

When do you normally depart from the truth, being normally a truthful person?—I had already departed from the truth for a selfish reason, I am afraid I was thinking only of myself

## Evidence for Defence.

James Camb

Self-preservation, in fact. Did you intend to persist in that untrue denial on your part?—I think I did.

Did you intend to take that secret with you to your grave?—That is hard to say. I would say, yes.

No matter what unhappiness or misery was caused to her relations or anybody else?—By that time I had already entangled myself into lies.

When did you decide to alter your story?—In the police headquarters.

Why?—I realized by then that I was definitely incriminated by the witness, Steer.

Did you realize then that it was no good persisting in that particular story?—I then proceeded to tell the truth.

It was another account, another story; you say it was the truth?—I do.

You told an untrue story until you felt that that story would not serve its purpose of saving you?—Yes.

Don't you call that curious conduct for a truthful person?—I should say it was beastly conduct.

Some very strong motive, was it not, made you tell those untruths?—Selfishness.

You have been to sea since 1933. Have you ever before heard of such a terrible happening at sea: a member of the crew of a British ship throwing the body of a passenger through the port-hole?—No.

You knew there was not the smallest chance of the body being recovered, and you wanted it to appear as though the passenger had disappeared of her own accord?—Yes.

You realize that the body of a dead person is the most valuable evidence as to the cause of death?—Yes.

If the second story, that is the one you are telling now, is true, you destroyed the best evidence in your favour, did you not?—I didn't think of it at the time.

Please apply yourself to it now and answer the question?—I did, yes.

If your second story is as false as your first, you destroyed the most deadly evidence against you, did you not?—Yes.

Did you not think of that when you put that girl through the port-hole?—I did not.

The body, as you agree, is conclusive evidence as to the cause of death, and your first instinct is to destroy it. It is a curious instinct for an innocent man, is it not?—I think it was an auto-

## James Camb.

James Camb

matic instinct I was being selfish at the time and thinking more of my job

According to your second story, this girl died in your arms a natural death?—Yes

Why in the world could you not slip out of her cabin leaving her there?—I did not think of it.

Is not that the first thing that anyone would think of, if you were satisfied she was dead?—I could not say, at that moment there was no thinking clearly at all

Why not? You were thinking very clearly You thought very clearly "I must at all costs destroy the body," did you not?—I had not thought that then

You thought it and proceeded to act upon it I suggest that if your second story is true, it is the last thing you would have done?—(No answer)

You could get out of that cabin without being seen?—As far as I know

How long did you wait in it after the knock on the door?—At least half an hour

And then did you just creep quietly out so that you would not be heard?—Yes

There was no difficulty in going out of the cabin and leaving the body there then, was there?—That was a chance

You say that the whole of your actions are to be explained away because, if you were found, or known to be, in a passenger's cabin, you would lose your job?—Yes

Did you tell Sergeant Quinlan that you constantly went into people's cabins?—That was an elastic statement He took it literally

Did you not say to Sergeant Quinlan that some of the passengers preferred the stewards to their fellow passengers, and that you had occasionally gone into their cabins?—Yes

It was not such a terrible crime, being in a passenger's cabin, even if you were found?—By the rules it was

Had you been often before into passengers' cabins?—No, these other occasions were several years previously, before the war

Which other occasions?—The other occasions when I visited other people's cabins

And since the war?—Only Miss Gibson's

Did you not go into anybody else's cabin?—No

Now, as to your association with Miss Gibson on the ship You know that only she and you, of course, can speak about that?—As far as I know, yes

## Evidence for Defence.

James Camb

And she cannot be here. You say you were in her cabin making love to her, and you thought she fainted?—Yes.

If you thought she fainted, the first thing she would naturally require would be medical attention?—Yes.

Did you think of going to the doctor?—I did not.

Why not?—It is possible to bring a person out of a faint without expert medical attention.

I suggest that you know nothing whatever, and that the instinct of any humane man would be to go for the doctor at once?—In those circumstances, no.

In what circumstances?—A member of the crew being in a passenger's accommodation.

So you say to the jury that you would not mind how much risk to the passenger's health or life would be caused by not getting a doctor, but to save your own skin you would not get one?—Putting it that way, yes.

You have never had any training in artificial respiration?—No.

You thought the girl was still alive?—I did.

And you say you worked on her for twenty minutes, still thinking she was alive?—I didn't think so then.

You must have thought there was a chance of life or you would not have done what you were doing. You never got any help at all?—No.

Then someone comes to the door. Why did that person come to the door?—I have no idea.

Who rang those two bells?—I don't know.

What would you expect a passenger to do who, in the night, objected to the advances of a member of the crew?—Shout.

Not much good shouting. Is not ringing the bells a much better thing for a passenger to do?—They both amount to the same thing.

That is what she did, is it not?—She didn't touch the bell.

Who did then?—I don't know.

Are you suggesting that the bells went off of their own accord?—I cannot suggest how the bells were rung.

Did you have to work quickly to silence her then before the bell was answered?—I didn't have to silence her at all.

I suggest that is what you did, and got those scratches on your right wrist?—No.

And when the man came to the door, you slammed it in his face, although, according to your second story, you still thought the girl was alive?—Yes.

Even then you took no steps to get her help, although help was at hand?—No.

## James Camb.

James Camb

You realize that we cannot check your story as to having intercourse with the girl, you have disposed of the evidence?—Yes

You say she was not wearing a night gown or pyjamas?—No

What has happened to her pyjamas?—I have not the slightest idea

Miss Field says that they were there the previous day and were missing the next morning pyjamas and dressing gown both missing, can you give any explanation of that?—I did not know she had any black pyjamas

I do not think it matters whether you know or not. The evidence is that they were in the cabin the previous day and they were missing the next morning when she was missing. If you did not know she had black pyjamas and she was wearing them, that shows you did not get access to her body, does it not?—She was not wearing any pyjamas

I suggest that your story is wholly untrue, that the pyjamas were missing in the same way as the dressing gown. I suggest that your second story is just as untrue as your first?—No

I suggest that you put up this story with the object of self-preservation, with the same object as the first untrue story, you understand that do you not?—Yes

You say you had sexual intercourse with her?—Yes

I suggest to you that the disappearance of these pyjamas, the non use of the contraceptive, and the ringing of the bells entirely negatives your story of sexual intercourse with her consent?—(No answer)

You would indeed be in a dangerous position if you went to a female passenger's cabin in the night and made advances which were not acceptable to the passenger?—I would

You would lose your job then?—Yes

You might be charged with a criminal offence as well?—It is possible

You would have a strong motive then, would you not, of self-preservation by destroying that girl and her body?—In those circumstances, yes

By Mr JUSTICE HILBERY—You were quite satisfied that you had not been identified as the man in the cabin that night?—Yes, I thought so, that night

And you say you still thought it after your conversation with Steer?—Yes

And you want the jury to understand that that night in the cabin, when someone came to the door, you were quite satisfied

## Evidence for Defence.

James Camb

that he had not had an opportunity of identifying you?—Yes, my lord.

So what necessity was there to do anything but slip out of the cabin of the girl and get back to your own quarters?—My intention was to give the impression that she had disappeared of her own accord.

All that could be known, if your conviction was right, was that a man had been in her cabin, and if she was found dead, nobody could know if it was a passenger or a member of the crew who had been there?—Inquiries would have been made and I might have been incriminated.

But you said you had not been identified. You could not be incriminated if you were not identified by the person who came to the door of the cabin?—At that time the description was of "a dark person." There were few dark persons on the ship at that time. I was sure to be interrogated by the captain amongst the dark persons on board.

*Cross-examination continued*—In your association with Miss Gibson in her cabin that night you received no injuries from her at all?—To the best of my knowledge, no.

We have heard suggestions made that the marks on your right wrist and also on your forearm were indentations caused by digging nails in. You are not suggesting that they were caused by Miss Gibson?—Some of them may have been. What I said was that I had caused the original scratches myself.

This is what you said, "I received no injury of any sort while in company of Miss Gibson." Do you want to alter that now?—No.

Very good. These were your own scratch marks caused because of irritation?—Yes.

Nail scratches?—Yes.

There were some marks on your right shoulder?—On the left shoulder.

I think on both shoulders, which looked like, the doctor said, although they could not be, cat scratches. I think they were on the right side of the lower neck. How did these scratches get there?—I caused them by the hard use of a towel.

Did Miss Gibson, like many modern young women, wear her nails cut to a sharp point?—I don't think so; I did not take particular notice.

How soon after Steer came to Cabin 126 did you put the light out?—About twenty-five minutes.

## James Camb.

James Camb

You bolted the door?—Yes

You did not want anyone to see the work you were engaged on, did you?—No

Did someone try the door?—I cannot say; I don't think so

It must have been exceedingly difficult putting that girl through the port hole, was it not?—Not particularly

Did you stand on the bed and lift her up?—Yes

You must have been terrified?—I was

You must have been terrified that the sound would be heard?—No

You had never tried before the possibility of pushing a body through a port hole, you could not be certain, could you, that it would not be heard?—Reasonably certain

Was the light on when you put the body through?—Yes

It is quite different from what you said on 25th October, is it not? The jury have seen this statement. They know it was handed to you to be signed and read through, and that you corrected it in certain parts. You said, "After a struggle with the limp body—by the way she was still wearing her dressing gown—I managed to lift her to the port hole and pushed her through. I am fairly certain that at the time she was dead, but I was terribly frightened." Fairly certain' is quite different from "quite sure," is it not?—Yes

Is 'fairly certain' a correct account of your feelings at the time?—No

Then why did you put it in?—That is just a matter of phraseology

It is all the difference in the world. Why did you put in something which was incorrect?—I intended to give the idea that I was certain

By Mr JUSTICE HILBERY—Why did you not strike out the word 'fairly' and just leave the word 'certain'?—It had not occurred to me that one word would make such a difference.

*Cross examination continued*—You did not care whether she was alive or not when you put her through, did you?—Yes, I did

You were just determined to get rid of that body?—Knowing that she was dead

I suggest that that body was damning evidence against you?—(No answer)

By Mr JUSTICE HILBERY—She still had this dressing gown on when you pushed her through the port hole?—Yes





Mr. J. D. CASSWELL, K.C. *Howard Coster*

## Evidence for Defence.

James Camb

Was it still unfastened down the front?—Yes.

All hanging loose?—Yes.

How did you manage to get her through the port-hole with it all hanging loose?—The port-hole is of sufficient diameter to allow that.

How did you do it?—I stood on the bed and lifted her up to a sitting position, and then lifted her with my hands just above her hips, to the port-hole. I pushed her arms through and then her head.

Arms first, and then head and shoulders?—Yes.

Did the dressing gown have full length sleeves?—I think so.

Did you lift her legs, then?—Her legs lifted automatically as I lifted the body.

When you had got half the body through the port-hole, the legs were hanging down inside and the rest of the body outside?—Yes.

Did you then lift the legs to shoot the body out?—Yes.

You do not know if she had black pyjamas on her legs?—She had no pyjamas on, my lord.

*Cross-examination continued*—I have suggested that your account is wholly false, and that the pyjamas are missing because they were on the body when you got rid of it?—(No answer).

She told you it was too early to say whether she was pregnant or not?—Yes.

Did you tell Miss Field that she was pregnant three months?—I told her she was pregnant but didn't state the time.

Are you saying that her evidence is not accurate?—She may have misunderstood.

She is a truthful woman in your opinion, is she not?—Yes.

Is this another occasion where you were departing from your standard of being a truthful person yourself by romancing to Miss Field, saying that she was pregnant three months by a married man?—No, there was no point in it.

Only the point of boasting on what intimate terms you were with a female first-class passenger?—No.

What business was it of yours to tell anything of that kind to Miss Field?—We occasionally discussed passengers.

If Miss Gibson said it, it was obviously said to you in confidence, was it not?—I would not put it that way.

I suggest that you were boasting of your relations with first-class female passengers?—No.

You ask the jury to say that your evidence is to be preferred to Plumley's?—I don't ask them to prefer anything.

## James Camb

James Camb

You say that Plumley's evidence as to what you said is untrue?  
—That is correct

'I didn't think it would be as serious as this' You did say that?—I did

What had you thought—that once the body had been got rid of, you could not be charged with anything?—No I had been led to believe by the police officers that no really serious charge would be preferred against me I should probably have to answer an inquiry

When had you been led to believe this?—Before I made the statement

It was while you were talking to Sergeant Gibbons that you said, 'Do you mean that she might have died some other way?' that is, other than murder?—Yes

According to the police officer, you said she might have had a heart attack or something?—I did not say those words

Do you mind repeating what you did say?—"You mean that she might have died in some other way or fashion"

Was that the first time you had thought of it?—I had not thought of it at all

That, I suggest, is the very moment when this second story of yours originated in your brain?—No

Then Plumley says you said, "I didn't think it would be as serious as this All I am worried about is my wife I have not had any sleep since it happened' You did not seem to have worried much about Miss Gibson or her family at any time, did you?—No

You were very worried about your own wife because it could make things between you very difficult, would it not, if she found you had been having relations with another woman?—That is correct.

'I have not had any sleep since it happened I cannot understand why the officer on the watch didn't hear something It was a hell of a splash when she hit the water' Did you hear her hitting the water?—I did

You must have been terrified that somebody else would hear it?—I did say it was impossible for anybody else to have heard it.

You were twenty five feet from the water line and you heard it?—I was standing at the port hole

That may be. But you must have been terrified that somebody in some part of the ship might have heard it?—No

You say this is all an invention on Plumley's part. Not a word of this is true?—Not a word

## Evidence for Defence.

James Camb

"She struggled." Did you say that?—No.

"I had my hands round her neck, and when I tried to pull them away she scratched me." All that is invention?—It is.

"I panicked, and threw her out of the port-hole." None of that is true?—None of that is true.

"Then he said—'there was some blood on the sheets which came from my wrist; did you find it?'" Did you say that?—I did not.

None of your blood was ever on the sheets, according to you?—To the best of my knowledge, no.

Now, Camb, I put it to you that your second story, the story you have told to-day, is just as untrue as the story you told on the *Durban Castle* for six or seven days?—No, sir.

Re-examined by Mr. CASSWELL—Are you proud of what you did that night, Camb?—I am not, sir, I am ashamed.

You said it was beastly conduct not to tell people, in order to save yourself. You think that?—I do.

It has been suggested to you that it depends entirely upon your story whether you were friendly with Miss Gibson or not?—Yes.

When you said to Miss Gibson that night that you had a good mind to go down and take a drink with her, did she seem shocked?—No.

Or surprised?—I don't think so.

Did she say "No"?—No.

When you reached the cabin, I think you told us that the door was neither locked nor bolted?—Yes.

Was the light on?—Yes.

At two o'clock in the morning?—Yes.

Did she seem disinclined at all to admit you?—No.

We know that when Steer came to the cabin door it was unlocked and unbolted; was it locked or bolted at any time before Steer came to the door?—No.

Steer told us it would take him under a minute between the time when the bells rang and when he arrived and opened that door. Can you tell the Court what you were doing a minute before he arrived?—I was trying artificial respiration on Miss Gibson.

It has been suggested that both these bells were rung by Miss Gibson. Was she in any condition to ring bells a minute before Steer arrived?—No.

During the time you were there, did she raise her voice at all?—Not once.

Or shout?—No.

## James Camb

James Camb

It has been suggested that what you did in there was against her will, is there any truth in that suggestion?—No

It has also been put to you that if you had slipped out, no one could have accused you. What is your usual time for going to your bunk?—Generally about one a.m.

Do you share your cabin with anyone else?—Yes, six other people

And if any one of those six persons had woken and found you were not there in your cabin at three a.m., would that have been unusual?—Yes

By Mr JUSTICE HILBERY—But you had to go back to your cabin after three a.m. and nobody noticed it?—Yes

Because everybody was asleep?—Yes

But you had to risk it?—Yes

*Re examination continued*—You have told my friend that you heard a splash. Why did you say it would be impossible for any body else to hear it?—It is rather difficult to explain to persons unused to sea faring but the motion of the ship gives a certain amount of back wash and the initial wave of the bow cutting through the sea washes back past the ship and creates a suction noise. And then the funnel is a dummy and is used as an emergency dynamo, and always gives out a continuous noise

So the noise of that apparent wave and other noises would have been enough to drown the noise of the splash?—Yes

Do you think it could be heard from the bridge?—I should say it was absolutely impossible

Are there two ports discharging water continuously just below the one in Cabin 126?—I cannot say it is just below, but there are places continuously discharging water—bilge pumps from the engine room

By Mr JUSTICE HILBERY—Was it a perfectly calm night?—Yes

Very little wind?—Very little wind

A hot, still night?—Yes

*Re examination continued*—Were you afraid at any time that someone would hear the splash?—I don't think so

Did you tell Plumley that you were afraid?—No

I want to get this quite clearly. What Plumley has told us as having been said by you to him, he in fact said to you the day before?—Yes

## Evidence for Defence.

Evelyn Joan Armour

EVELYN JOAN ARMOUR, sworn, examined by Mr. CASSWELL—I am an officer in the A.T.S. and am now serving with “N” Company, London District, at Woolwich. In summer, 1946, I was a subaltern serving in London District at Sloane Court, London, W. My duties were administrative, and related in part to the payment of A.T.S. personnel, which brought me in touch with the A.T.S. who were theatrically engaged, the Central Board of Artists. I first saw Private Gibson at one of our pay parades, before an incident when she was ill when I was called to see her. I had no intimate knowledge of her.

When was the incident you speak of?—Approximately eleven p.m. one day at the beginning of July, 1946.

Were you called out and did you go to one of the requisitioned premises and find somebody?—I was notified that one of the girls was ill in quarters, and I went there and found Private Gibson. She was lying on the bed face upwards. She was resting on the back of her head and her heels. Her back was arched. As I went through the door I could hear her breathing very, very heavily. I went forward very quickly, and as I got to her I could see her tongue was well in the back of her throat and she appeared to be choking.

Did she appear to be conscious then?—Yes.

Anything about her colour?—I didn't notice anything. I went up to the bed and pulled her head forward to get her tongue out of the back of her throat. I pulled her shoulders up. I was on the right side of the bed—and as I helped her she grumbled a little and clutched herself here and muttered “pain.” I was trying to find out where the pain was. I said, “Have you any pain?” and she muttered and clutched herself at the chest as if she had it there. She was sweating very profusely.

Did her breathing continue to be laboured?—She had great difficulty in breathing at all.

After you had pulled her tongue forward, did she still have difficulty?—Yes.

For how long did this condition persist?—For ten to fifteen minutes it was very bad. When I thought I could safely leave her, I notified the C.R.S.

Did you go with her there in an ambulance?—Yes. I thought she was too ill to send otherwise. I went with her to the Casualty Receiving Station at Lennox Gardens. There I assisted the V.A.D. nurse on duty to put her on a bed. By this time she appeared to be over this type of fit, but very exhausted. When I saw her on the bed, I left. The next morning I rang up to find how she was,

## James Camb.

Evelyn Joan Armour

and was told she was alright I didn't see her again for two months. She had come out of hospital then and was away on tour. She had grown considerably thinner and had lost weight. I remember I remarked on it.

Did you refer to this "turn"?—Yes, I asked if she had had one of these turns again, and she said, "Yes, once." I asked if the medical officer had done anything or suggested any treatment, and she said "No."

Then I think you lost touch with her?—I saw her on odd occasions, but very occasionally.

Did some friends draw your attention to this case in the papers?—I was on a course and a fellow officer was in the War Office Drafting Unit when Private Gibson left the A.T.S. and knew I had known some of the artists. Later the police sent for me.

Cross-examined by Mr. ROBERTS—You, in common with other members of the A.T.S. would have a Service and Casualty form, in which every incident—admission to hospital, absent owing to illness, &c.—would be entered?—Not going to a Casualty Receiving Station.

Anything of a serious nature would be entered?—That would be for the medical officer there to decide.

There is no record of this at all?—That is not surprising, because going at eleven o'clock that night you did not wait to write out a normal sick report, at the Casualty Station if they had considered it necessary to send her to a specialist they would have made out a document which would have gone with her normal medical hospital report.

Whatever the nature of her illness, it was not considered necessary to send her to a specialist?—That would be on the medical officer's authority. But the type of fit was over, or nearly over, before I got there. I am not in a position to say what the medical officer thought of the case.

But the absence of any record shows that it never went any further, does it not?—Yes.

No absence from duty owing to sickness at all?—She was definitely absent from duty in that she was in the C.R.S., but the time in the C.R.S. is not entered in the form you are holding.

You are not by any chance making a mistake as to the girl?—No, not in the slightest.

You do not think there is any possibility of that?—No.

We know that a few months later this girl was passed out on temporary discharge, or on temporary reserve, as "A.W.1"—fit for

## Evidence for Defence.

Evelyn Joan Armour

service. You do not think there is any possibility of your having got hold of the wrong name?—None whatsoever.

Re-examined by Mr. CASSWELL—Look at the last photograph in Exhibit 5. Do you recognize it?—Yes, Private Gibson.

PETER ARTHUR DALBY, sworn, examined by Mr. CASSWELL—I joined the Army in April, 1945, and was a private in the R.A.M.C. After preliminary training I became a member of a group known as "Stars in Battle Dress," a subsidiary company to the E.N.S.A. movement. I recognize the last photo in Exhibit 5 as Miss Gay Gibson, Eileen Gibson. I first met her in January, 1946, when she was cast as leading lady in "The Man with a load of mischief." We rehearsed in Grosvenor Street, London, for some time, and had our first try out at Kingston. I saw a considerable amount of Miss Gibson during that time. During May the play went on tour in England.

Did you see much of Miss Gibson during that time?—A great deal. Sometimes we had the same digs together, and at other times I was with her for the full time of the show which was from five o'clock until one o'clock in the morning. The show usually entailed travelling from twenty to twenty-five miles each day. We started out in charabancs or trucks about five o'clock and returned to the digs very early in the morning.

How would you describe her temperament during those months of early 1946?—I should say very, very hysterical and a quite excitable neurotic.

Did you then go with the show to Calais and into Germany?—Yes.

Mrs. Gibson has told us her daughter was very fond of a man called Pierre?—That is right. He was the driver of one of the vehicles we had for carrying scenery. She did not talk about it very much, but it was quite obvious I think that they were infatuated with each other.

How long after they first met did this become apparent?—Very suddenly, after the first two or three days.

Was she still neurotic and excitable when she was in Germany or had she improved?—No, she was still the same.

Were any steps taken to deal with that condition?—No, the symptoms were not very alarming, and not until she had a fit or outburst, and the show could not spare her as she was taking a leading part in it.

Did anyone look after her then?—Yes, one of the girls taking a part in the show usually looked after her.



## James Camb.

Peter Arthur Dalby

You came back in June, was there then a tour of the north of England until 7th July?—Yes

Was Miss Gibson cast in another play called "Jane steps out"?—Yes, she played a minor part

Did you rehearse in London as before?—No, we shifted to Battersea Park

When did the tour start?—In October, 1946

Where did that tour take you?—That was the Saturday tour, somewhere in the south of England

Later where did you go?—To Salisbury, then north for about six weeks, and then we came south again. We had some leave, and then the whole show went to North Wales.

What was Miss Gibson's behaviour during that period?—Well, I didn't see anything alarming at all. She was still very hysterical and quite excitable

Did you start another tour, still with Miss Gibson, on 9th December, 1946?—Yes, into Wales

Please tell my lord and the jury of an incident in Wales?—We were travelling back from a show which we did for an ammunition disposal unit in Wales. The road was very, very rough and the weather was very, very bad. The truck was bumping and lurching all over the place—I should say the coach—and Miss Gibson fell off the chair and had some sort of hysterical fit on the floor. I tried to do something for her, but the girl, Pat Rawlings, was there and took charge of her

By Mr JUSTICE HILBERRY—What sort of hysterical fit, do you mean screaming and laughing?—Screaming and groaning

Not laughing and crying?—No

Did you ever see her laughing and crying alternately on any one of these occasions?—No

What do you consider the symptoms of hysteria to be?—I should say—screaming, a general state of mind, a throwing of the person about, a very increased state of nervousness, and a very excitable nature

*Examination continued*—You say she was on the floor of the vehicle. Did you notice her face?—No, I could not as the coach was very dark

Did you notice anything about her breathing?—Yes, it was very, very heavy, very laboured

Did you see where her hands were?—No

## Evidence for Defence.

Peter Arthur Dalby

By Mr. JUSTICE HILBERY—Was she a good actress?—She was good—to a point.

Convincing?—Yes, and very enthusiastic.

Realistic?—Yes, I think that one of her faults was that she was much too realistic.

*Examination continued*—Do you think she was acting on that occasion?—I am quite sure she was not.

How long did she remain in that position?—About twenty or thirty minutes; after that she was carried from the coach to her digs by a member of the show.

Was she unconscious then?—I don't think so.

What was her condition next morning?—She was quite pale, but I don't think I noticed anything else.

Did she refer to the previous night's incident?—No.

Did you notice anything about the palms of Miss Gibson's hands?—No. She had on one of them a burn. She did perspire greatly; that I did notice.

What part of the hand was the burn on?—The back of the hand. I am not sure whether it was the left or right. She had it as some sort of recognition of the driver Pierre, in Germany. It was a cigarette burn, but I am not quite sure whether she or Pierre did it.

Cross-examined by Mr. ROBERTS—You were in the same entertainment unit as Miss Gibson for about twelve months?—Yes.

You say she was hysterical and neurotic?—Yes.

Have you had a good deal of experience of actors and actresses?—Yes; I was one myself.

Do you agree that, as a class, actresses are inclined to be temperamental?—Yes, but I can assure you that her hysteria was above the average of the temperamentality of actresses.

Was Miss Gibson absent for one day from duty in 1946?—No, she was not.

I gather your show left Herford in Germany on 16th June, 1946, and arrived in London on 17th June?—Yes.

When did you leave London for the north of England?—About seven days after we left Germany.

Where were you during that time?—I was at home in London and Gay went, I think, to Liverpool.

Did you re-assemble in London on 23rd June and go by train to the north of England?—Yes.

Then did you go straight from Catterick to Salisbury, not stopping at London at all?—That is so.

## James Camb.

Peter Arthur Dalby

Did you play in the south of England with this show until 3rd August and then, for the first time since 23rd June, did you return to London?—That is quite right.

And was the show disbanded?—Yes

This night in Wales. Your company had been playing in 'Jane steps out' at a camp?—Yes, at Trawsfynydd.

Were you twenty miles from your lodgings?—Yes, roughly

After the show were you given a party in the Officers' Mess?—Yes

Was it quite a hilarious party?—Yes

Was a Scotsman there in a kilt and did he put on some eight-some reels?—Yes

Did everybody dance it?—I believe Gay did with some of the others

And Gay danced it with her usual enthusiasm?—Yes

Without anybody getting drunk, did everybody drink a good deal?—Yes

Were some of the young people drinking more than was good for them?—It could be said so, yes

After that, did you have a twenty mile drive over very bad roads?—That is quite right.

And in a lorry with a cover?—It was a charabanc.

Nothing to hang on to?—Nothing

It was rocking all over the place?—Yes

Was Gay Gibson violently sick at the back of the vehicle?—I didn't know she was

Was she living at that time with a lady called Rawlings?—Yes, Pat Rawlings

Did you know that he was so far recovered that night as to see to her own hot water bottle?—I cannot say

As we know from her history sheets, there is no suggestion that she was off duty for ill health at all?—Not the following day

Re-examined by Mr CASSWELL—How did you come to give evidence here?—I made a statement to the police

ROLAND GEORGE COOPER SOPER, sworn, examined by Mr CASSWELL—I am a naval architect and marine surveyor, and a member of the Institute of Naval Architects. On 16th February, 1948, I went to the *Durban Castle* and took the measurements of the distances between the night pantry of A deck, the indicator panel on B deck, and thence to Cabin 126. I made a plan of the approximate route which would have to be taken. From the lower pantry up to the indicator and thence retracing my steps

## Evidence for Defence.

Roland G. C. Soper

and on to the cabin is 162 feet 9 inches—just over 54 yards. I paced it at an ordinary walking pace. It took 63 seconds.

Did you stop at the indicator?—Yes, at both the lower one and the one on B deck as well.

I think you tried it at other paces?—Yes, I tried it at various paces up to a fast one. The shortest time I took was 25 seconds.

You also took the distance from B deck to the bridge?—Yes, that is roughly 260 feet from this pantry to the wheel house on the bridge.

Did you measure the distance between the port-hole of Cabin 126 and the bridge in a straight line?—Yes, it is 80 feet.

Did you take a measurement to the water line?—No; she was light at the time.

Did you examine the bulkhead partition walls?—Yes I made it 13 $\frac{3}{8}$  inches by measuring on the outside; I did not bore a hole.

Did you notice any discharge of water in that vicinity?—There were discharges underneath the port-hole.

Would they be going on all the time the ship was in motion?—I cannot say. If they were auxiliary engines, they would be running all the time.

Cross-examined by Mr. ROBERTS—How many stairs are there?—Eight altogether, including the landing: that is, seven treads.

That is from A deck to B deck?—Yes, there are seven treads and then a platform, and then you go up the other eight. They are made of wood, and were very resonant.

MIKE ABEL, sworn, examined by Mr. MOLONY—I live at 12 Lawley Avenue, Johannesburg. I was born in South Africa, and am a salesman. I also do acting and broadcasting. I knew the late Miss Gibson.

When did you first get to know her?—Round about the beginning of August, 1947, at the rehearsal rooms of the Empire Theatre. We were just reading the new play "Golden Boy," in which I had a part.

Did she have a part, too?—Yes, a leading part; at any rate I was given to understand it would be her part.

At any rate, you and she were rehearsing together in the same play?—Yes.

For how long were you seeing her from July onwards?—Right through the rehearsals, roughly six weeks with the show and all.

The show was put on in Johannesburg with yourself and Miss Gibson in it?—Yes.

## James Camb.

Mike Abel

For how long did it run?—Roughly ten days, I think.  
Is that a normal run for a play in Johannesburg?—Yes

By Mr JUSTICE HILBERY—How long does a play run in Johannesburg if it is a flop?—We take the theatre for a week or so and we run it through the week, flop or no flop

*Examination continued*—Were you seeing Miss Gibson regularly throughout that period you mentioned?—At rehearsals, yes

Were you alone in her company on any occasion?—Yes

What happened after the rehearsals were over?—The cast would go out for coffee to a particular cafe, and then I would take the late Miss Gibson home by car

Did she tell you anything about herself?—She did. She told me she came to South Africa for her health and that her parents were bltzed by a V 2 bomb and that her brothers were killed in the Navy

Did she tell you anything about her health, that she had come to Africa for?—She said she had a chest complaint, she mentioned it was asthma

Did she complain of any particular attacks of asthma?—She did complain that she had had these attacks in England and that is why, after leaving E N S A, she came to South Africa

Where were you when she told you these things about herself?—We were sitting in a car at "The Doll House," that is a road-house where you can have coffee and snacks

Did anything happen while you were sitting there?—Yes, the late Miss Gibson seemed to lurch over on to my side and I put my arms around her left shoulder, and she started crying. I said, "Come on, Gay, what is the trouble?" She didn't answer me and I took my arm off her shoulder, and she seemed to go back with her arm against the back of the seat

Did you notice anything about her face then?—I noticed that in the corners of her mouth was white saliva

Did you notice anything about her lips?—They were a slight bluish colour

Did you say that she leaned back?—She went back against the seat of the car. I called for the waiter for a glass of water, this lasted roughly between fifteen and twenty minutes

Did you notice anything after that at rehearsals about her?—She was a very charming girl on certain occasions, a very nice girl, it was a pleasure to talk with her, very interested in the stage. And then, for no rhyme or reason, she would start laughing hysterically or crying. On occasions, at rehearsals, she came up to

## Evidence for Defence.

Mike Abel

me and kicked me on the shins, slapped my face, and then kissed me. And then she quietened down after I had appealed to the producer, Mr. Gilbert.

Were others present when that happened?—Yes, the cast was present.

Had you done anything which would have irritated her?—Nothing at all.

How many times did these kicking incidents happen?—It happened at my house when I had a party. It happened at Mr. Gilbert's house when he gave a party. It happened at the rehearsal room at the Pre-View Theatre. On three or four occasions it happened.

After the kicking had happened was there always kissing?—Not on every occasion, but on two occasions I can definitely remember.

Were all these occasions in the presence of other people?—Yes.

What was your general impression as to her health?—That she was ill. Time and again, at my house, when I gave a party for her and the cast, she went out into the garden and fainted. I was called from inside and I called my wife and somebody else, and we went out and brought her on to a swing contraption which I have, a sort of couch; we brought water and she was sitting there, perspiring, and she had her teeth tightly clenched. We suggested phoning a doctor immediately, but she came round alright, went inside, carried on dancing and was her normal self again.

Did you see her face on that occasion?—Not myself, no. On another occasion she was coming out of the Pre-View Theatre in Johannesburg. She was walking across the road and suddenly fainted in the centre. The whole cast was coming out at the time and rushed to her assistance.

You were there then and saw her faint?—Yes.

How long did that faint last?—Not very long at all; I should say four to five minutes. It was in the evening between 11 and 11.20 p.m.

I think there was a third occasion you have in mind?—Yes, that was at Mr. Gilbert's house. Miss Gibson was enjoying herself very much and then she excused herself for a while: we missed her for a while. . . .

By Mr. JUSTICE HILBERY—Had she been drinking?—Yes, my lord.

Then excused herself?—Yes. I walked into the garden with a member of the cast for a cigarette, and Gay came out, threw her arms up and fainted in the garden.

## James Camb

Mike Abel

Was the room inside very hot where she had been drinking?—I would not say very hot.

Was it cool in the garden?—Yes

Cold?—No, my lord

*Examination continued*—Did you see her on that occasion in a faint condition?—Yes

Where was she?—On the ground, next a tree, or rather on the lawn

How long did she remain in that condition?—Well, on that particular occasion I went up to her and said, "Get up, Gay" She got up, brushed herself and said, "I am sorry" Then the gentleman friend who had brought her there came out and told her to get dressed, she put on her coat and they were going home

Did she talk to you on any occasion about her new friends?—One name she mentioned was "Charles"

Do you know who Charles was?—I think his name was Brown, I subsequently met him at the party at Mr Gilbert's house I was introduced to him by Miss Gibson

In whose company did she spend most of the time at that party?—With this gentleman friend of hers He was her dancing partner that evening

Who did she go home with that night?—That gentleman friend of hers

By Mr JUSTICE HILBRY—By that you mean that she left the dance with this particular man?—Yes

*Examination continued*—She went home with him?—She left the dance with him

Mr JUSTICE HILBRY—Why do you suggest she went home with him? That means his home

*Examination continued*—That was my fault, my lord You mean they left the place together?—Yes

Was it after that that you had the party at your home?—Yes

Was Gay Gibson there?—Yes

When was this?—I cannot remember the date, it was a Sunday

When did the play open?—The 10th September, I think The party was roughly seven or eight days before this

And Gay Gibson was there Did you speak to her?—Yes We were dancing and enjoying ourselves, and she seemed very bright and cheerful

## Evidence for Defence.

Mike Abel

Did she mention anything about her private affairs on that occasion?—She mentioned about her private affairs before the party.

Before the party began?—Yes, at my house. It was on one occasion when I took her home from rehearsal that she asked me for £200 to get to England to get a doctor to take care of her. She said she was pregnant. I said I could not afford £200, but I could try and make some arrangements for her in Johannesburg. She said she had no faith in our South African doctors and wanted to get to England. That was very early after I first met her: I should say about ten days after I first met her.

Did you ask her anything about the man responsible?—I asked her who had got her into this trouble. She just laughed at it.

Did the question of her pregnancy crop up again between you?—Yes, after rehearsal one Sunday morning at the Empire Theatre, I suggested going home as my wife had prepared a proper lunch. She said she didn't feel too well about going the long drive to my home, so we went across the road to a hotel and ordered a snack there. While we were sitting at the table she said, "Have you done anything for me, Mike?" I asked if she was referring to her pregnancy and she said, "Yes." I told her there was nothing I could do except possibly to introduce her to a doctor who would take care of her and look after her.

Did she say anything further about the money request?—She asked me for the £200 again, and I told her I could not afford it.

Did she say anything about getting help from anyone else?—No.

Have you known her speak of her pregnancy to anybody else?—Yes. The members of the cast knew.

By Mr. JUSTICE HILBERY—You were not asked that. You were asked if you heard her speaking of her pregnancy to anyone else?—No, my lord.

*Examination continued*—Was there an occasion when you met Mrs. Gibson, the mother of Gay Gibson?—There was an occasion when Miss Gibson introduced me on the opening night of "Golden Boy." She introduced me to a lady and said, "This is my mother."

Had you known before, from her, that she had a mother?—She told me that her parents were killed in the blitz.

Was there an occasion, other than the one you have told us about, when she was in your car and something happened?—There was another occasion when I took her home, after the whole cast



## James Camb.

Mike Abel

had had coffee I stopped my car outside her flat, Temple Court, and we were having a little general talk on the stage show business. She then caught my arm and said, "Mike, I love you." With that, I told her, 'Look, Gay, it's late, don't be silly,' and I don't know, but she just seemed—well she got excited, I suppose, and she fainted. I called two people who were passing by to give me a hand. I told them that a young lady had fainted in my car. We laid her on the front seat, the lady undid her clothing and forced her head between her knees—that is between her own, Miss Gibson's legs. It took a little while, and then she came round, tidied her hair and ran upstairs.

Was there any reason for that faint that you could see?—She was excited, but I cannot understand her fainting.

What made her excited?—I may have been a little selfish when she said she was in love with me. She told me that twice, and I said, 'Gay, please stop it.'

Did you notice her eyes when she fainted?—After her faint, her eyes seemed very bloodshot, very red.

Did you ever hear her cough?—Yes, very often.

On any particular occasion?—Well, not any particular occasion, she coughed at rehearsals. Occasionally she coughed when she was excited. A very heavy cough—I should call it a "smoker's cough."

Did you notice anything about her breathing at any time?—Very heavy after her faint.

Did you notice anything about the colour of her face?—She was pale, and I noticed that her lips were sometimes a bluish colour.

Did she ever mention any pain to you?—While the show was running she said, 'Don't play very tough to-night, I cannot get out as much as I have to,' and she complained of pains in her tummy and left arm—a sort of shooting pain coming down into her fingers. She asked me to massage her arm for her.

Cross-examined by Mr ROBERTS—You say you are a salesman what house do you represent?—I was free lancing and representing different houses.

Are you representing any house now?—No, I am in my own business in Johannesburg.

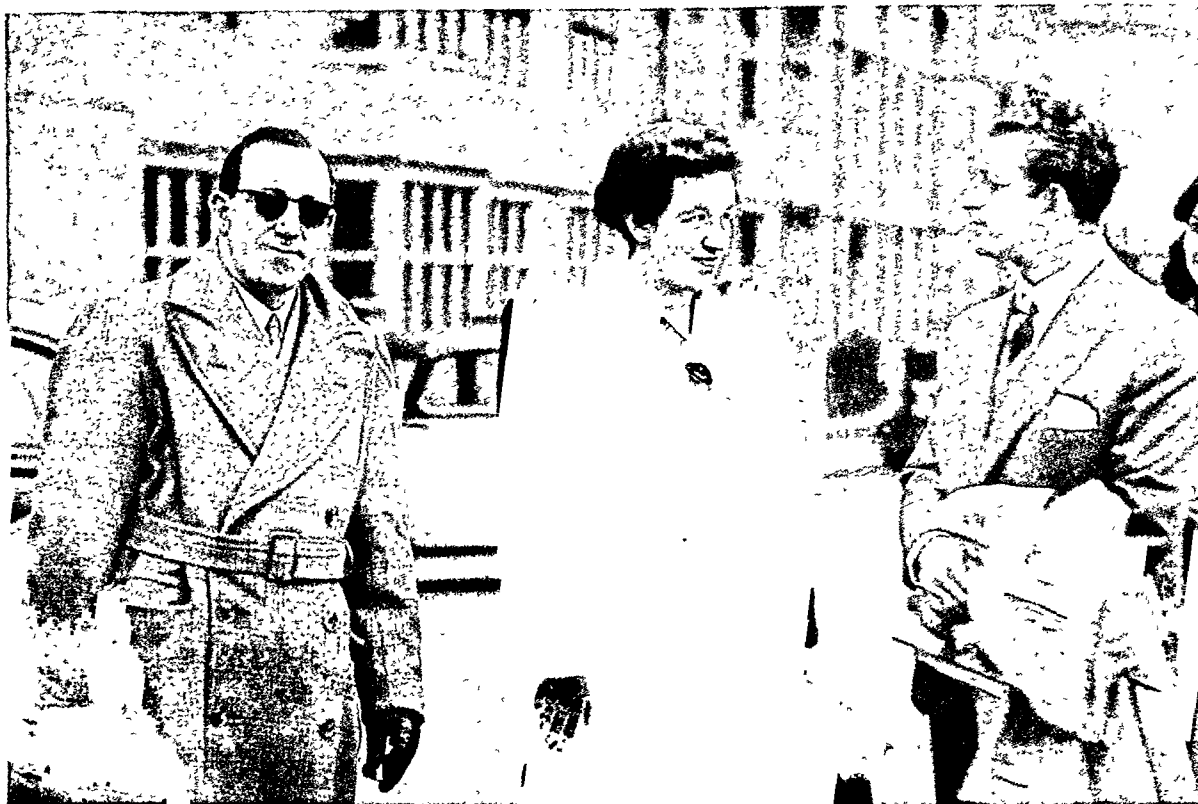
What sort of business is it?—Stationery and paper.

Is it going on now?—I have just opened the place.

What is happening while you are here?—My partner is waiting for my return.

Are you over here on a holiday?—No.

Are you over here on business, apart from giving evidence?—



The South African Witnesses. From left to right: Mr. Mike Abel, Dr. Ina Schoub, and Mr. Henry Gilbert.

## Evidence for Defence.

Mike Abel

I took the advantage of seeing one or two people while I was here. I have bought some goods while I have been over here.

Your expenses are being found, are they not?—I believe so. I know that my hotel and travelling expenses are being found. The balance is my own.

To come to give evidence at this Court you get your passage paid each way and you get your hotel expenses?—Yes.

It is a nice little trip for you, is it not?—I didn't want it.

Need you have come?—I was told that I would be subpoenaed to come.

Are you suggesting that a witness could be subpoenaed in South Africa?—I don't know the law.

Do you suggest that you thought you could have been compelled to come?—Yes.

I am suggesting to you that you are quite obviously not being frank with the Court, and that you have come over here of your own free will, have you not?—Yes.

Why not say so? You don't mind telling the truth?—It is only the truth I am telling.

Then don't hesitate about it. I suggest it is a nice little trip for you?—Yes.

Who first approached you about giving evidence?—Mr. Mundell, a representative of the solicitors defending.

He came out to South Africa?—No, he is a South African.

So he did not go out there to try and get witnesses for this case?—No.

Did you know that Miss Gibson was living, when in Johannesburg, at the house of a Mrs. M'Donald?—I did not know that. She lived at Temple Court.

From when?—I do not know. Since I knew the late Miss Gibson I always brought her home to Temple Court.

Did you know she was at Mrs. M'Donald's house in Johannesburg from the end of March to the middle of July, 1947?—No.

Do you know if Mr. Mundell went to see this landlady who would have seen Miss Gibson every day for four months?—I don't know.

You are connected with the theatre. Do you know the firm of agents, Davenport & Mayer?—No.

Do you know a Mr. Michael Silver, a partner of the firm?—No. I cannot recollect the name. If I saw the gentleman I might know him by sight.

Did Miss Gibson tell you that that company had given her a

## James Camb.

Mike Abel

reference to various theatrical people in England?—No, she didn't tell me that.

Did she tell you that she had references from various people to make contacts in England?—No

Do you know a Mr Reynolds of Temple Court, Jepp Street, Johannesburg, or a Mr Alfred Brown of Trench Grove, Johannesburg?—No

Did you know a lady called Violet Brady?—I don't know of her

Did Miss Gibson tell you that Violet Brady, who was living at 31 The Residency Kirk Street, Johannesburg, had written to Mervyn Jones a reference for her theatrical career in this country?—No, she didn't tell me

Perhaps you were not very much in her confidence?—Possibly.

This girl is dead You know it is impossible for me to attempt to challenge or to deal with the accuracy of the statements which you make regarding the dead girl?—I appreciate that

You really tell the jury that this dead girl clutched you by the arm and said, "I love you, Mike"?—Yes.

You are sure you are not romancing?—No

A girl of twenty-one said that to you?—Yes, I spoke to my wife about it and to Mr Gilbert.

She acted her part in 'Golden Boy'?—Yes

Here are some of the notices One says, "The production, however, was well received, but apart from sharp delineations by Gay Gibson as Lorna Moon, Doreen Lambie as Amen and Mike Abel as Fuselli, this crisp little play had a ragged stamp and descended into melodrama" Another says, "Gay Gibson made an admirable job of the part of Lorna Moon There was hardly a false note in her conception of the personality of the easy going girl friend", and another, "Gay Gibson came out of the part of Lorna Moon with flying colours, a hard, sharp, metallic but convincing portrayal, and, lastly, "Gay Gibson as the 'femme fatale' of the piece was adequately cast"?—Yes, those are some of the notices

I shall put them together as Exhibit 31 So she got through her arduous part satisfactorily whatever her state of health?—Yes, she was ill on certain occasions before she went on.

Re examined by Mr CASSWELL—Did this lady ever ask you for any testimonials?—No

When did you know first that she was going to return to England?—After the close of 'Golden Boy' I met her outside the post-office

## Evidence for Defence.

Mike Abel

Where was the play going?—To Pretoria.

Was she going with it?—Yes, I was given to understand that the whole cast was going there to play.

HENRY GILBERT, sworn, examined by Mr. CASSWELL—I live at 29 Molesey Avenue, Auckland Park, Johannesburg. I am an actor-producer. I am married to Dr. Schoub, who is a Doctor of Medicine. I first met Gay Gibson in the latter part of July in a Saturday night radio show called "Berry & Co." at the South African Broadcasting Corporation, Johannesburg.

Did you at one time produce her in a play?—Yes.

Did you act in that play as well?—Yes. She had the part of "Lorna" in "Golden Boy."

Was a man called Mike Abel also playing in that play?—Yes.

Was she with you during the rehearsals?—Yes, from the end of July until the opening night on 10th September.

Were you responsible for that play?—Yes.

What sort of temperament had this girl, Miss Gibson?—When I first met her she was a charming, nice, well-behaved young lady. During the process of my production she showed a temperament of a peculiar type. I found her often distraught and highly strung.

Was she reserved, or did she speak about her private affairs?—To me she readily discussed her private affairs. She found at first that the part of Lorna in "Golden Boy" was a rather difficult part, as it had many facets to the character, and, of course, I did my best to guide her, as the producer, and to enlighten her as to the type of part it was. As time went on her behaviour became peculiar towards one of my cast, Mike Abel. First of all she told me she was in love with him.

Did you see any signs of that?—No, but one evening at rehearsal for no apparent reason she kicked him, got hold of him and sort of mauled him about. Naturally, I put a stop to that.

Was that an isolated instance or did you see her attack Abel again?—I didn't see her attack Abel again, but I was present when he came out of my own drawing room. He showed me his legs, and both shins had been kicked.

Do you remember an occasion in Commissioner Street?—Yes. We were at the Pre-View Theatre—a private film pre-view theatre belonging to African Consolidated Theatres—about two and a half weeks before the opening of the show on 10th September. The rehearsal terminated at 10 o'clock at night, and the greater percentage of the cast walked across the street. She went into a dead

## James Camb.

Henry Gilbert

faint in the middle of Commissioner Street We picked her up and put her into a parked car which belonged to one of my cast

What would you say with regard to her health?—When I first met her she told me she had come to South Africa because of her health She said she had asthma

Did you hear or see any indications of asthma?—Only that she complained to me that she had to stop taking her singing lessons

Did you hear her coughing?—I did, but I didn't pay too much attention

What about her appearance?—She had the most beautiful white skin I have ever seen in my life white like alabaster It was the most striking thing about her

Did she stand up to rehearsals or did she tire?—She was very often tired and I let her off on quite a number of occasions She told me she would get tired very easily

Did she drink at all?—Yes

Excessively at times?—At times, yes Once or twice she came to my early rehearsals and I smelt her breath and she was in an excited condition I said, "Have you been drinking again to-night?" and she said, "I have only had a few gins"

Was there a party at your house one night?—Yes

Did you see anything which happened to Gay Gibson that night?—She came with a boy friend, a man I knew as Charles Brown We had some food sent in and we sat around It was quite an informal party with friends of the cast I went out to fix up some food, with friends, into the kitchen I came back and saw the drawing room doors were open I looked into the garden and saw Gay Gibson out there and that she was quite excited I went to my wife and said, "We cannot have this" She was quite excited and distraught.

What do you mean by distraught?—Highly emotional She was crying in the garden

Do you know of associations between her and other men?—Yes The first boy friend I knew was Charles Brown There was the occasion with Mike Abel, and then, about twelve days before my show opened I was personally introduced by Gay after rehearsal to Charles Sventonski She introduced him as "Charles, my boy friend"

Did you see him after that?—Yes, but not often

Any other men who were with her?—We saw her at lunch with a Mr Silver

Did you at one time introduce this girl to your wife, Dr Schoub?—Yes

## Evidence for Defence.

Henry Gilbert

For any special purpose?—Yes. She came and cried to me that she was terribly unhappy. I asked why. She said she was an unhappy human being. I said why. She said, "I cannot love like other people." I said, "What do you mean by that?" She said, "I am not like other girls." I then introduced her to my wife.

Did your wife see a good deal of her after that?—I think so. This happened in the early part of August.

The play opened on 10th September. How long did it run?—Ten days.

Was that its normal run?—My booking was three weeks which is not normal. The normal run is two weeks.

This did not last the two weeks normal run?—No, the theatre was closed by the Municipality of Johannesburg as a fire hazard.

Had you made arrangements to go anywhere else with the show?—Yes, to Pretoria.

Was Miss Gibson to go with you?—Yes, but she did not.

When did you first know that she was not going with you?—We closed on 20th September and had a week off to prepare for the advance publicity in Pretoria. On Monday the 22nd I walked into the office and Gay Gibson was there looking for me. I walked into Mr. Woodman's office and he said, "She says she is leaving." I said, "You are going to Pretoria; everything is ready." She said, "I am going to England; will you release me?" I said, "We have had a bad run with the Municipality closing the theatre, but I won't stand in your way." I tore the contract up and we cancelled the whole thing. I said, "Why are you going?" and she said her boy friend had paid her passage. I said, "Why?" She said, "To study." I said, "Where?" and she said, "At the Gate Theatre." I said, "It does not exist at the moment," and she said she was going on from there to somewhere else, I don't remember where.

What did she earn in Johannesburg?—I cannot say.

Did she take part in broadcasts with you?—Yes.

What did she get for that?—Her cheque would be three guineas.

What did she get for "Golden Boy"?—£7 a week and hotel expenses on tour. That was not during rehearsals.

Was she doing more than one night a week broadcasting?—No.

Did you ever see her father or any other member of her family?—I saw her mother after a "Berry & Co." show. It was two weeks after I had met Gay. She said she had just come from Durban.

Did her mother stay there?—No, she went back to Durban and Gay went with her.

When "Golden Boy" was put on, did you see her mother

## James Camb

Henry Gilbert

then?—No—I was given to understand she was there, but I did not see her

Cross-examined by Mr ROBERTS—Eric Boon, I think, played the male lead in "Golden Boy"?—Yes

Is this a photograph from the South African press showing Eric Boon with his leading lady, Gay Gibson? (Handed to witness)—That is correct

Is the Mr Michael Silver you saw Gay Gibson with connected with an agency in Johannesburg, Messrs Davenport & Mayer?—Yes

Do you know him quite well?—Yes

Did Gay Gibson tell you that he had given her a reference to theatrical people on this side?—No

Do you know Mr Silver's signature?—No

You do not know if you can recognize this document I have here as coming from Davenport & Mayer's?—It was their heading

You know Davenport & Mayer as theatrical agents?—No, they are commercial broadcasting agents

They are concerned with the entertainment world?—No, not the world I belong to

But they are concerned in entertainment Broadcasting is entertainment, is it not?—Yes

You saw her and Silver lunching together?—Yes

She was a promising actress?—She had talent

Was it you who suggested that she should come into "Golden Boy"?—Yes

You were going to take her on to Pretoria when the theatre at Johannesburg closed down?—The whole company was going on

And when she changed her mind, as ladies do, you cancelled the whole production?—Yes

Re examined by Mr CASSWELL—You have spoken about some commercial broadcasting agents They are the people who arrange for advertising by broadcasting, a practice which is not allowed in this country?—Yes

By Mr JUSTICE HILBERY—The advertising arrangements are made entertaining, if possible?—Yes

And that involved the employment of artistes?—They do, my lord

Dr INA SCHOUB, sworn, examined by Mr MOLONY—I live at 29 Molesey Avenue, Auckland Park, Johannesburg, and am the wife



## Evidence for Defence.

Dr. Ina Schoub

of the witness Henry Gilbert. I have two children, and am expecting a third shortly. I am a qualified medical practitioner, and trained at Witwatersrand University and Edinburgh. I returned to South Africa in July, 1939, and finished my course at the former University. I am a Ch.B., University of the Rand. Up to the end of February this year I was Casualty Officer at the General Hospital, Johannesburg. I have never been in private practice.

Did you get to know Gay Gibson?—Yes, my husband introduced me to her. He told me he wanted her to act in his play, "Golden Boy."

Did you see her on a considerable number of occasions?—Yes. I met her towards the end of July, and I saw her until the end of the run of "Golden Boy" on 20th September.

Did you hear from her as to why she had come to South Africa?—She told me she had come to South Africa for her health. She said she was suffering from asthma and had come to Johannesburg as she had been told it would be better for her there. She told me she had been in Durban and had had many asthmatic attacks there. She asked me if I thought the climate in Johannesburg would be better for her. I told her that asthmatic people varied very greatly. Some were better on a lower altitude and some on a higher.

Did you do exercises with Miss Gibson on any occasion?—Yes, she was worried about the size of her hips and her part in the play, and she asked me for advice about diet and exercises. As I was taking a physical culture course at the time, I asked her to come along with me.

Did you notice anything about her during the exercises you did?—I noticed that she tired rather easily, became short of breath and had to discontinue the exercises while I went on. I advised her not to over-strain herself.

Did she speak to you about her voice at any time?—She told me that her voice had been trained, but she had had to discontinue training because she used to get laryngial affection very easily; she used to lose her voice, and she asked me if the steam baths we were taking would do her any harm.

Did she come on one occasion to you and tell you something about herself of an intimate nature?—Yes, she discussed sex with me rather intimately. She told me that she had had sexual experience, and that she was expecting a period within the next week. I advised her not to come to the gym. class. That was at the end of July, at the second class, just after I had met her. This was about the third time I had met her.

## James Camb

Dr Ina Schoub

Did you see her again after the time she had expected her period?—Yes, the following week. She appeared at the physical culture class, and I asked what had happened. She said that the expected period had not arrived, and she was rather worried about it. She asked me to advise her. I said it was much too early to say and that she was probably worried or excited about the show. I said wait some time, and if she was still worried then I would examine her. The next time I heard about the pregnancy was from a member of the cast.

By Mr JUSTICE HILBERY—What was the next time she said anything?—When we gave a party at our house.

*Examination continued*—What did she say then?—She said that nothing had happened and that she was rather worried about it. She must have been about two weeks overdue.

Was the question of pregnancy discussed on a later occasion between you?—No.

Did you have any discussion with her about a contraceptive at any time?—When she told me that her period was overdue I asked her if she had used a contraceptive during the sexual experience. She looked very blankly at me. She didn't seem to know anything about it, and asked me to explain things to her. I told her about it, and advised that she should be fitted with a Dutch cap. I do not know whether she took my advice. Exhibit 29 is a cap, but not quite the same thing. A Dutch cap should be fitted by a doctor.

Do you remember a party given for a number of members of the cast, which Miss Gibson attended, at your house?—Yes.

Did anything unusual happen that evening?—At first Miss Gibson was very gay, and then she became very unhappy and cried. I took her into the bedroom and tried to console her. She told me she was worried about her pregnancy and she was very unhappy. Then Mr Abel came into the bedroom, and I left her with him.

Did you ever see any signs of illness in her?—I never saw her in an asthmatic attack, but I saw she tired easily, and got rather short of breath when she did the exercises.

Cross-examined by Mr ROBERTS—I see there is a section in the medical register for South Africa in Johannesburg, but there is no mention of you. This is 1947. I accept that there is another medical register?—Well, I qualified at the end of 1943. Is my father there? He has been a doctor there for twenty years.

## Evidence for Defence.

Dr. Ina Schoub

No, he is not in this register at all. There must be another register. Did Miss Gibson tell you that she had just been demobilized from the A.T.S.?—She did tell me she was with E.N.S.A.

Actually it was a branch of the Army, and she only left it in February, 1947, to come out to South Africa. Did she tell you that?—No.

When did you last see her?—The last night of "Golden Boy."

Did she tell you then that she was going back to England to resume her studies?—No.

You did not see her after she had decided to go back?—No.

You liked her very much?—Yes; I found her a very nice, charming girl.

Dr. FREDERICK DENNISON MAURICE HOCKING, sworn, examined by Mr. CASSWELL—I am a registered medical practitioner, a Bachelor of Medicine, Master of Science, Fellow of the Royal Institute of Chemists, and Pathologist to the Royal Cornwall Infirmary, Truro.

You have examined the album of photographs, Exhibit 5?—Yes.

You have seen a full transcript of the proceedings before the magistrate, and you have been present here throughout the trial?—I have.

Have you also had an opportunity of examining and taking samples from the sheets of the bunk in Cabin 126 on the *Durban Castle*?—Yes, I took samples from nearly everything, and very carefully examined the bedclothes from that bunk.

What did you find from your examination and analysis of these samples? Take the top sheet, Exhibit 17, first?—This is the red ring round a certain mark referred to earlier in this case. It is an irregular stain which does not show by ordinary light, but can be detected by special illumination. I cut out the portion marked No. 1. It is about 15 inches across by about 6 inches wide. It is an irregular stain.

Did you analyse the sample which you took?—I did. I found that that stain was due to the presence of dried urine. That is all I found in the stain; there was no blood in it at all.

Was there anything else you found in it?—Yes, a certain number of the cells of the type which one finds lining the external female sex organs.

Would the absence of blood in that stain lead you to any conclusion?—It suggests that whoever passed that urine, I presume

## James Camb

Dr F D M Hocking

the deceased, could not have been bleeding from the sexual organs at the time, otherwise the urine could not have passed like that.

By Mr JUSTICE HILBERY—Do you think that there was anything between the person who passed that urine and the sheet at the time?—Even if anything had been between, the blood cells are so small that some of them would have gone through. I found these other cells, and if they would go through then blood cells would go through, too.

Did you form any opinion that anything was between or nothing?—I did not form any opinion, there may or may not have been.

*Examination continued*—Did you also find a second stain?—Yes, labelled No 2. That had been partly cut out before.

Dr Montgomery found something marked "2" which he said was something the size of a sixpence?—I took a piece of that.

Would you agree that it was just about the size of a sixpence?—It was a smear stain. Not a drop of blood, but just a smear of blood across the sheet. It is considerably longer than a sixpence.

Did it look as though blood had been soaking through it at all?—Not at all.

Can you say anything about the group of that blood?—I found blood of the human kind, Group O. In addition, a number of flat cells of the type which line the mouth. As a result of that finding, I analysed the stain further and in that stain I found the constituents of saliva.

So that stain consisted of human blood mixed with human saliva?—Yes. I found another small stain, quite a small one this time, which I labelled No 6. That again was a smear rather than a drop of blood. That again was human blood, Group O.

Could you find any other material mixed with it?—No, that was pure blood. It was  $\frac{1}{4}$  inch long and  $\frac{1}{8}$  inch wide.

So far as you can say, did Dr Montgomery find that one?—He had not taken any of that one, but I don't think one would take every smear, one or two only.

You examined other marks and stains on that sheet and found nothing of any significance?—That is right.

Now the bottom sheet. There is a place on it marked "No 1" in red about 6 inches from the centre crease of the sheet. Did you take a sample of that?—Yes. I found that it consisted of a smear of human blood, again mixed with saliva and containing also a flake of pigment, which was probably red lipstick.

## Evidence for Defence.

Dr. F. D. M. Hocking

Did you find anything else of interest on that bottom sheet?—No.

The top pillow showed nothing but a stain of tea?—Yes.

On the bottom pillow did you find anything?—Nothing of significance; a few light smears of lipstick, and no blood on either pillow.

Did you see the counterpane?—Yes, there was nothing of significance on that.

Do you agree with Dr. Montgomery that the fibres removed from the port-hole are portions of feather?—Yes, and the other objects he mentioned. It is the sort of material you would normally find adhering to a port-hole or window in any bedroom. It is the sort of dust which would fly about during bed-making, cleaning up, and so on.

Did you examine these exhibits for any sign of human hair, fibres of clothing, or any other similar object?—I did. I found no human hair at all. I was shown one which had been removed by Dr. Montgomery, and that was of a similar type to the ones found on the hair brush of the dead girl.

What would you say about these stains you found on the sheets?—They were smears and quite light in amount.

I put it to Dr. Montgomery that they were superficial?—I would agree with that.

What would you mean by that?—Just smeared over the surface; not sunk into the material at all.

Dr. Teare said that a violent death by strangling or throttling would produce these signs of blood and saliva?—I quite agree that that is one way in which these marks could have got on the cloth.

By Mr. JUSTICE HILBERY—You mean that a common feature in a case of strangulation is a mark of blood and saliva on the lips?—Yes, and the passing of urine.

Is there a farther significance in your view in the passing of urine?—I think the presence of urine shows almost certainly that the deceased was dead at the time it was passed.

At the time or immediately afterwards?—The passing of urine would be the terminal act.

*Examination continued*—You have told us that these smears are consistent with a violent strangling, but is that only one possibility?—That is so.

What else are they consistent with?—With natural causes of death in certain circumstances.

## James Camb.

Dr F D M. Hocking

The chief ones would be?—Heart failure due either to primary disease of the heart, or to secondary disease of the heart, that is disease of the heart secondary to lung disease.

In killing by pressing the thorax, would you expect blood to come out?—Pressing the larynx, the wind pipe, blood is less likely to come up then because death is instantaneous

By Mr JUSTICE HILBERY—Dr Teare said that if the throat was closed it would be little more than 15 seconds before unconsciousness?—I agree with that—if anything, less

And you say that in such a case, the presence of blood in the saliva is what?—Less likely than in a choking death. It is an instantaneous death which is rather different from a throttling death. It is not likely that there would be blood or saliva—there might be saliva, because that is always likely to run out.

There is less likely to be blood in the saliva?—Yes, if death is instantaneous through compression of the wind pipe

Could it be instantaneous?—Yes

Is that not death due to choking?—It is

Otherwise, compression of the wind pipe so as to prevent breathing, and to suffocate her?—Even in that case death is very rapid, usually within a minute

Is it not instantaneous if you have disease of the heart and it suddenly stops?—Yes, but you would not have quite the same thing then. It is what happens before the heart stops. If the heart is going to stop, it will almost certainly go through a phase, just beforehand, of incipient failure.

With, you mean, congestion of the lungs?—Yes, some of the fine passages of the lungs would rupture, in which case you would bring up a small amount of blood stained froth

*Examination continued*—Would the smears you found, and the urine, be consistent with a violent strangling?—Yes

Were any of the other things you found consistent with strangling?—No. There is an absence of any very marked crumpling of the sheets, particularly in the regions which would become wet.

That would have particular significance supposing it were suggested that this girl had been smothered, so that blood and saliva and lipstick got on to the sheet by the act of smothering?—The sheet would almost certainly have been crumpled over the mouth, and the dried saliva would have preserved its crumples

## Evidence for Defence.

Dr. F. D. M. Hocking

By Mr. JUSTICE HILBERY—That is if it had been suggested that the sheet had been used for the purpose of smothering?—Yes.

*Examination continued*—Have you seen cases of strangling in the past?—I have seen some.

On a bed?—I have seen many beds where violence has taken place; not necessarily strangling, but violent acts, and they have all been extremely crumpled.

Having seen the photographs of this cabin and examined the sheets, what do you say about what you found being consistent with a violent death?—I did not see the amount of crumpling I should have expected had a violent struggle taken place on that bed.

Would you expect to find other fibres about on sharp edges if there had been a struggle?—There are a large number of sharp edges of projecting corners in that small space, and had a violent struggle taken place in there, I should have expected to find blood, pieces of skin, possibly fibres from torn clothing, adhering to the edges of furniture about the room, and bruising on the bodies of any people fighting in that confined space.

In other words, you would have expected to find bruising on Camb?—I would.

Have you examined the photographs of Camb's forearm and wrist?—Yes. I think these crescentic marks could have been caused by tight gripping by another person, digging the nails into the flesh.

Do you agree with Dr. Teare that nothing much of any importance can be discovered by looking at that photograph?—Yes. I think that the marks might have been caused by a tight gripping of the wrist. There was no tearing down that way.

By Mr. JUSTICE HILBERY—The tearing was the other way, according to the doctor who saw them, upwards from the inside and towards the thumb. That is what the doctor who saw them said?—The upper one does appear to have been dragged.

*Examination continued*—What about these marks on the arm, their position?—They are rather higher than you would expect from the wrist if you were gripping a wrist which was throttling you. One would expect to find the scratches more on the hand, or near the wrist.

Camb said his right hand was on Miss Gibson's hip and she had her arm resting on his forearm, and you heard him tell about

## James Camb

Dr F D M. Hocking

the sudden grip, is that what you would expect?—It could do it easily

What would cause that?—Either sudden death or the end of the sexual act.

If she had suddenly gripped and he had released his forearm, would it have left these marks?—It could do, quite easily

You have heard the accused's story of what happened in the cabin, and you have heard the witnesses from South Africa and from England, has that led you to any conclusion?—I think the story told by the accused is a perfectly possible one, from the medical aspect

What would you say would be the cause of this sudden stiffening and relaxation which he described?—I should say heart failure, most likely preceded by some congestion of the lungs as a result of a lung disease of which I have evidence.

By Mr JUSTICE HILBERY—Dr Schoub gave it as her professional opinion that this girl was suffering from asthma, which is a lung disease and which could be associated with a considerable amount of congestion?—Yes

*Examination continued*—Have you anything to say about the evidence of Mike Abel that there was a pain in her left arm?—That spasmodic pain down the arm and into the fingers is a symptom of heart disease, and I think I could almost say of heart disease only

Is it necessary that a heart disease which proves fatal should be detected easily beforehand?—Heart disease may come on at any time of life, and quite suddenly for a different number of causes. It may not be detected at an ordinary examination, yet be present and cause death afterwards

Have you had, in your professional experience, cases like that?—I have known two young soldiers in the last war who were passed A.1 into the army, and who both collapsed and died suddenly on parade. The post mortem showed nothing until microscopic sections of the heart were taken, and that showed cardiac degeneration. That is by no means an unique experience.

Have you known instances of heart failure during intercourse?—I have known of one case in a young person.

May similar attacks occur from time to time and then prove fatal?—That is possible.

Mr Hopwood described changes in the colour of the nails which were shown him by Miss Gibson on one occasion. Is that



## Evidence for Defence.

Dr. F. D. M. Hocking

of any significance?—That suggests an arterial condition of spasm, which is a muscular spasm, and which could be related in some way to the spasm in the air passages which we know as asthma. The two things are allied together.

The other things we have heard about are perspiration and blue lips?—The blue lips would be a sign of respiratory embarrassment, or some heart condition, some circulatory failure. And the perspiring hands may be associated with the spasmodic condition of the fingers: that is a vascular condition.

You have told us that the absence of any blood in the urine would be contrary to any suggestion of rape. There was nothing else you found which would be consistent with rape, or attempted rape?—The absence of any blood in the urine shows that there was no injury there.

Is there anything in this case which in your view indicates rape or attempted rape?—Nothing.

By Mr. JUSTICE HILBERY—Is there anything which suggests to you sexual intercourse?—No.

There was no sign at all, that you could discover on the sheets, of anything like male semen?—I found nothing, but there would not necessarily be any there. It would pass normally high up in the vaginal canal. It would not come out even if urine was passed.

*Examination continued*—Having regard to all you have found here, can you conscientiously say that in your view this girl may very well have died from disease of the heart, or illness, in the way described?—I can conscientiously say that the girl could have died in the way described by the accused.

Cross-examined by Mr. ROBERTS—And you can say equally conscientiously that she could have died by strangulation?—I can.

The presence of blood-stained saliva is a common feature in cases of strangulation?—Yes.

It is a common feature in cases of strangulation that at the moment of death the bladder evacuates its contents?—It is.

That is not a common feature in the case of death by heart disease?—Not if it is by heart disease alone.

There seems to be no doubt here, from the stains you found, that the deceased's bladder had evacuated its contents?—That is so.

According to the prisoner, at the moment of death he was on top of the girl?—Yes.

## James Camb.

Dr F D M. Hocking

There is not the smallest doubt, is there, that if his story be true, there would be a penetration of urine which would encircle the part of his body which was against Miss Gibson's part?—Yes  
No doubt about that?—None.

You have perhaps seen many cases where an act of strangulation has culminated an attempt to rape, and the assailant has had a patch of urine on his trousers the size of an association football?—He could have, yes

It is not suggested that Camb had any urine upon him. If he had not, then he cannot have been on top of Miss Gibson at the time of her death?—Not if he had no urine on him

What medical evidence leads you to the conclusion that this girl had asthma?—The statement of Dr Schoub who says she had

Dr Schoub never examined her as a medical practitioner at all?—No, but the symptoms of asthma are very well defined, and if they were described to a doctor she could make a very definite inference.

But Dr Schoub only said that Miss Gibson told her she had asthma?—Yes

When asked, she said she had never seen her in an asthmatic attack, she said, "I only noticed she tired easily"?—I understood that the climate of Johannesburg suited her very well and she may not have had any attack there

But you have no medical confirmation from Dr Schoub that she had asthma at all?—No

Nor have you any evidence, in spite of the visit to South Africa, that this girl went to any medical practitioner for treatment in South Africa or had any treatment or went to any hospital?—No

You heard Mike Abel giving evidence. You would not regard that as medical evidence of any value?—I think the symptom which he described is one which is unlikely to be invented by a layman who would not appreciate the importance of it

But the symptom of the pain at the top of the left arm which goes down to the hand you will find in any text book on heart disease?—Yes

By Mr JUSTICE HILBERRY—But is not that more associated with one particular heart disease?—Yes, disease of the vessels of the heart. That can come on at quite an early age.

If it had come on at such an early age as to precipitate an early death, you would expect more than one attack of pain down the arm, in the course of months?—Yes, I should

## Evidence for Defence.

Dr. F. D. M. Hocking

*Cross-examination continued*—The urine you found on the top sheet?—Yes.

Showing that she was lying on her back, and, the bladder expelling its contents, it was naturally thrown up to the sheet above her?—I don't know whether it was above her or not. She may have been lying on the top sheet.

Lying on her back then, it was expelled on to the top sheet?—One would have expected it then to be on the bottom sheet, because Camb would be in the way.

But you must not assume things. Don't you worry where Camb was. If she was lying on her back, with the top sheet above her, you would expect the urine to be found, as it was, on the top sheet?—And on the bottom sheet as well.

But if Camb was on top of her, Camb would receive the urine?—Yes.

You said that there was an absence of crumpling in the sheets, and that you have seen beds which have been the scene of strangulations and you found much more crumpling on them?—I said beds which had been fought over.

There is no suggestion of a fight here, but so far as crumpling is concerned do you realize that this man was in the cabin alone, he says, for half an hour or so after the girl had had what he called "a stiffening"—had become rigid. He would have had sufficient opportunity of smoothing out the sheets if he had wanted to?—Yes, he would, but I think there would be some deep creases, particularly in view of the heavily starched nature of the sheets, which it would have been very difficult to have smoothed out.

My friend put to you about a violent struggle, but where have you heard it suggested that there was a violent struggle?—I supposed this girl was killed either in the course of a violent struggle, and if not that, then the most likely cause of violent death was strangulation; I found no evidence of a violent struggle.

If no evidence of a violent struggle, then do you say strangulation?—Yes, if the death was violent.

Unconsciousness, you say, would supervene in less than 15 seconds, and death in half a minute or a minute?—Within a minute as a rule. It may be prolonged as long as two minutes.

You say that the marks on the right forearm could have been made by digging nails into the flesh?—Yes.

You have heard Camb say that they were caused by scratching?—They did not appear to me to be scratch marks; they were far too deep.

## James Camb.

Dr F D M Hocking

So they appear to be "digging" and "drawing"?—Yes

At the time they were being made they would inflict a certain amount of pain, would they not?—I think they would

Re-examined by Mr CASSWELL—If a person died from heart failure, which you think is consistent with what you found here, would that person have a spasm such as described by Camb?—I think they might do

Might it be one effect of that spasm that the hand would tighten?—Yes

Did I understand you to say that in the absence of a violent struggle strangulation was the most probable cause of death?—Yes, if death was violent

More probable than natural causes?—Not more probable I don't think we can assess the probabilities They are both possibilities

Did anybody tell you that the clothing of Camb had been examined in this case?—No

Were you asked to examine it?—No

Would you expect to find urine on his trousers if they were open in front?—He may have had some, just around the edges

If they were open in front you would not expect to find a stain the size of a football?—No

### Fourth Day—Monday, 22nd March, 1948

PROFESSOR JAMES MATHEWSON WEBSTER, sworn, examined by Mr MOLOVY—I am a registered medical practitioner, Fellow of the Royal College of Surgeons, Bachelor of Science, Doctor of Medicine, Master of Arts, and Director of the South Midland Forensic Laboratory at Birmingham. The depositions and photographs in this case were submitted to me before Dr Hocking had been retained for the defence with a view to my giving evidence for the prosecution I understand that the Director of Public Prosecutions decided that I should not give evidence after I had made my report, and my evidence was available for the defence

Have you considered this case in the light of your experience and medical knowledge over many years, and have you seen in particular the account of how Camb says this girl met her death?—Yes

How does that accord with your medical knowledge and experience?—The account given by Camb of this girl's death could have occurred

## Evidence for Defence

Professor Webster

Is there anything in his account inconsistent with medical experience?—There is nothing in Camb's account inconsistent with my own experience with regard to three deaths which occurred during intercourse.

Were they people in whom signs could have been or were detected in advance of their death?—One was a soldier of 28, serving with H.M. Forces at the time.

Let us consider in a little more detail the various causes of death which might have a bearing on the evidence we have here. In such a case would you include shock?—I do not think this was a case of death from shock, from what I have read. My reasons for saying that are the presence of blood and the marks upon the accused's arm.

Would you expect to find any blood if shock were the cause of death?—No; death would be too quick for blood to well up, and for the deceased to inflict a number of scratches which were found on the arm of the prisoner.

As regards strangulation as a cause of death, have you had personal experience of many cases of that sort?—Yes.

Did you find anything in the scratches or marks in this case which fits in with your experience of previous cases of strangulation?—I want to make it quite clear, with regard to the scratches on the accused's arm, that I cannot exclude the possibility of their having been caused during strangulation, but, in my experience, they have certain peculiarities—one, that they extend so far up the arm without there being anything on the hands; I have never seen scratches so far up the arm in strangulation. In manual strangulation, where scratching does take place is the region of the thumb, the back of the hand, and in fact the scratching of the victim's neck in an effort to relieve the pressure; these are the places where I have found scratches.

You accept the correctness of Dr. Hocking's findings, notably the saliva in the blood-stains?—Yes.

And that, of course, shows that the blood in question came from her mouth?—I should think that is the logical inference that the blood and saliva and lipstick came from the girl's mouth.

Do you also accept his evidence and the inference that he draws from it that there was urine upon the top sheet?—Yes.

And that in all probability the evacuation of urine was a terminal act?—Yes.

That would mean that the girl died in the cabin?—Yes, she was dead in my opinion before she was put into the water.

Would you develop in detail the effect of causes of death,

## James Camb

Professor Webster

accepting for the moment the correctness of Camb's account?—Death could have occurred from natural causes in two main ways. Both of these main ways give rise to blood at the mouth, the finding of urine, and the scratching of the accused's arm. Those two ways are, one, the bursting of a small congenital aneurism in the brain, a condition which is indefinable prior to death, the bursting of which occurs in young people particularly if there is an associated effort such as the act of intercourse. The second is by heart disease, either direct or indirect. Whilst rare in the young, direct heart disease due to an affection of the heart vessels, even at this age, is not unknown, and again, that type of death can give blood stained froth at the mouth, the finding of urine, and clutching. But *indirect causes are probably more common, namely, the effect of a septic focus elsewhere in the body.* In this present case there was a septic focus, namely the chronic running ear. That in itself is capable of causing heart failure, and cases are known of it causing the general poisoning of the heart muscle leading to sudden death during effort or, more probably, poisoning of a special portion of the heart muscle which is responsible for the ordered action of the heart, namely, that which is technically termed the Bundle of His and sudden death from that during effort is well known in both sexes.

Have you any personal knowledge of the case of a boy of seventeen?—I have.

Was anything known of his condition before he died?—No. The effort in his case was pushing a bicycle up a hill.

By Mr JUSTICE HILBERY—In that case was there a local point of infection?—Yes, the left tonsil. It had caused poisoning of the heart muscles, and the Bundle of His was swollen up within its fibrous capsule and thereby was virtually strangled by its fibrous capsule.

*Examination continued*—If any of these conditions had been present before death, would they have been diagnosed?—It is quite a probability they would not.

If Miss Gibson were suffering from asthma would that have any bearing on the matter?—There might very well be a secondary condition of the heart which might give out under strain during intercourse following asthma.

And if that happened what would be the visible symptoms you would expect?—Sometimes soon after an asthmatic attack a person might appear perfectly normal, but at times they might show signs of failing circulation.

## Evidence for Defence.

Professor Webster

In what parts of the body would that exhibit itself?—It might be seen in the lips, it might be seen in the nails.

What would you expect as regards the symptoms accompanying death caused in that way?—Death caused in that way might give rise to the three things I have mentioned, blood at the mouth, clutching, and the voiding of urine.

From what you have heard of this case do you see evidence of rape, or attempted rape, on this girl by the accused?—The only thing one can go on is the urine and the absence of blood there. It is not a proof, but it is a pointer that there was no great violence done to her genital organs; that is the only conclusion that can be drawn.

Does the condition of the cabin throw any light on the matter in your view?—The condition of the bed looked to me, purely from the photograph, as if there had been very little violence; there was very little evidence of a struggle on that bed.

Are you aware of any other theory of death in this case which fits the facts better than the account given by the accused?—One cannot exclude the possibility of strangulation so far as violent death is concerned, and that appears to me to be the only other possibility, but it is no more consistent with the facts than the natural causes which I have outlined.

Does it afford you any assistance in the case to have statements, attributed to the deceased, saying that she had asthma, and had had attacks of asthma in South Africa in the previous few months?—If her asthmatic attacks were frequent in the previous few months there would be a greater likelihood of the heart giving out during effort.

There is evidence that on two occasions at any rate she was wheezy?—That is one of the concomitants of asthma.

There was evidence that on one occasion she had a pain running down the left arm right to the finger tips?—Pain like that is regarded as a symptom of heart trouble.

By Mr. JUSTICE HILBERY—Of what heart trouble?—Coronary.

Does that mean angina?—Yes.

That is a progressive disease, is it not?—They may die in the first attack; generally there is more than one attack.

Do you expect the attacks to become more frequent?—Well, they do not usually survive more than about three.

*Examination continued*—What about bluish lips?—That would be a sign of failing circulation.

And if her finger nails changed colour?—I have already said so.

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Professor Webster

And if there is evidence that in the previous months she had fainted?—That, again, is consistent with some heart condition

Cross-examined by Mr ROBERTS—Did you say you could not include or you could not exclude the possibility of strangulation?—*I could not exclude the possibility of strangulation*

You agree, do you not, with Dr Hocking that all the common features of strangulation are present here?—Not all the common features

Blood stained froth at the mouth is a common feature of death from strangulation, is it not?—Yes

And the voiding of urine at the time of death?—Yes

You have the clutching and the scratching of the person (I ask you to assume) of the strangler?—*That, in my experience, is not a common symptom, clutching and scratching of the hands, but in this particular case they were well up the arm*

Clutching and scratching of the hand or hands is a common symptom in strangulation?—Yes

Do you agree that scratching of the wrists is a common feature?—*It is not common, but it is found*

You have said that the evidence in this case was submitted to you Did you not say that the scratches you saw were similar to those you have seen in manual strangulation?—I did not.

By Mr JUSTICE HILBRY—Please take the photograph You can only judge of the scratches by this photograph, and you say they are here too high up the arm, and are therefore not where you have usually found them in the case of manual strangulation?—Yes

Dr Griffiths told us that there were scratches across the right wrist, running toward the base of the thumb, nine to twelve separate scratches Now it is clear from the photograph (and we know that it was taken some time after the doctor saw it, and some time after the morning of 18th October) that if there were nine to twelve scratches running towards the thumb unless some which have cleared up were higher up the arm, the rest must have been down nearer the thumb?—Yes

Is it six or seven we can see in the photograph?—Seven

So we have two to five more to account for Would you, from the evidence you have heard, suppose they were all nearer to the thumb?—*I do not know whether they were or not, my lord*

But if they were so, would that indicate the possibility of manual strangulation?—*I have said, my lord, I cannot exclude the possibility*



## James Camb

### Closing Speech for the Defence

MR. CASSWELL—Now, members of the jury, after this somewhat lengthy trial, the time is approaching when you must give your verdict, and your responsibility is very great. Yours is the responsibility for that verdict, and yours alone. It is for each one of you to decide upon the facts, and you may think that this case is very largely, if not entirely, a question of fact. In many respects it may seem to be a question of guessing, but if you find yourselves guessing, if you say to yourselves, "Well, I cannot be sure," then the only verdict available to you is a verdict of acquittal which no doubt you will be glad to give. Your responsibility, as I have said, is very great. My responsibility also is heavy. Willingly would I shake the dust of this Court from my feet and get out, but I cannot do that. I owe a duty to my client, and a duty to you to present as best I can his case to you. The reason why my responsibility is so heavy is that there are so many points with which I have to deal, so many points which I hope to show you are in favour of my client, and I must try not to forget any one of them. If I do I hope you will put it down to my defective memory and not to any desire of mine not to deal with every point which may be relevant.

Members of the jury, you may remember that Pontius Pilate, when he had to make the most momentous decision in this world, asked, *Quid est veritas* "What is truth?" And there was no answer. In those days, no doubt, if a jury had been empanelled they would have been directed to find the truth. Your duty is not so heavy as theirs would have been. What you have to decide is, "Has the prosecution proved to your satisfaction that here there was a death caused by violence, and caused by the violence of the prisoner Camb?" If you cannot, or feel that you cannot arrive at the truth then your minds are in a state of doubt, and the prosecution have not discharged the duty necessary for them to discharge. They have not proved to you beyond reasonable doubt the guilt of the prisoner. Suspicion, as you will realize, is not enough, probability is not enough, there must be proof, and when I use the word "satisfied," as I may do several times, what I mean by the word "satisfied" is satisfied that guilt is proved beyond reasonable doubt. In any case of this sort which comes before a jury, there is suspicion, if there were no suspicion there would be no trial, but you will realize that suspicion, and even probability, fall far short of what is required before you can return a verdict of guilty.

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Now what is murder? That is what you must consider, and my lord will tell you that murder (and I speak subject to my lord's correction) is death caused violently as the result of an act by the accused. Cold stark murder is when the accused, knowing what he is doing, and meaning to do it, puts his victim to death. Another form of murder is where a man, or a woman, meaning to do violence which will cause serious illness or serious injury, but not meaning to cause death, yet in fact does cause death—that also is murder. In a sudden fit of passion I may take a man by the throat meaning only to give him a severe lesson, perhaps a rough lesson, or I may take some instrument and hit him over the head with it, not having meant to kill him, but if I do kill him it is murder. Please remember that. But if unintentionally, perhaps on the golf links or on a sports field, I hit a man and death ensues that is not murder, because there is no voluntary act, no intent to cause any harm, and certainly not grievous bodily harm.

Now I hope you will forgive me, if I point out the onus which rests upon the prosecution. The charge here must be proved. In a case like this the accused man may say, "You have accused me of wilful murder or of something which amounts to murder, you have put forward several propositions, you have put forward two main suggestions,"—as Mr. Roberts did in his opening—"prove them." He might have said, "I will not give evidence; the prosecution have put forward no evidence which amounts to proof against me." He was quite entitled to do that, and in that case his lordship would have been quite entitled to say, "There is one man in the world who knows what happened in that Cabin 126 and he has not given evidence before you." You would have been in the position of not having seen and heard him in the witness-box, which would have been most unfortunate; you would have had no chance to decide whether he was the sort of man who would do a violent act; you would have had no chance of assessing his character, no chance of saying to yourselves, "Is he the sort of man with whom this girl might have fallen in love, for whom she might have had an infatuation?" In my submission to you it must have been helpful to you to have had Camb before you in the witness-box.

There is one other thing which I should tell you; when a prisoner goes into the witness-box it is not permissible for the prosecution to ask him questions as to his character until he puts his conduct into issue, and he may do that by saying, "I am a man without blemish," or he might do it through his counsel by

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attacking the character of one or more of the witnesses for the prosecution

Mr JUSTICE HILBERT—Puts his conduct—you mean his character?

Mr CASSWELL—Yes, my lord, 'character' I should have said. I feel a grave responsibility in this case, and I am very much obliged to his lordship for having pointed out my mistake. His past character was put in issue in this case, and if on any previous occasion he had been proved to have committed a crime of violence, or if he had committed a sexual crime, if he had committed an assault, Mr Roberts would have put it to him and said, "Your character is in issue, let me show you that you have not got a good character." But that was not said and you are entitled to assume that his character is good, that there is no such conviction against this young man who, as you know, has been in the Merchant Service in reputable lines since the year 1933. I hope you will remember that since it may have been at the back of your minds in this case. Why should he strangle this girl? Why should he put her to death? Well now, members of the jury, by going into the witness-box he has subjected himself, as he knew he would to cross-examination and you may think it was very rigorous, very severe cross-examination. Quite rightly, I am not finding any fault with it in any way, and you will consider that, how did he come through that test? Well, now, members of the jury, what was suggested to him? Two things were suggested by my learned friend: he suggested that you could draw one of two conclusions: in the first place that the girl objected to his advances and pressed both bells and that the scratches on his person were the result of her attempts at the preservation of her virtue and that he throttled her, and secondly, he suggested that you could equally draw the conclusion that he overcame her, rendered her past the power of speech and that when she was unable to resist he disposed of her body and the evidence which it afforded of his crime. "One fact against him," said Mr Roberts, "and against his account, is that he disposed of the body." "What would have been easier for him," said Mr Roberts, "than to have slipped from the cabin leaving her body to show she died naturally, but that act I suggest is conclusive that it was prompted of the cold fear of a murderer." The only criticism of that last sentence is that no circumstantial evidence can be called conclusive. The question as to what is conclusive is, of course, a question for you, and for you alone.

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Well, members of the jury, you see how this is started, you remember the suggestion of violence; at first it was suggested that there was a struggle going on there. Now that has disappeared and now it is said, no, no struggle; merely a sudden clutching; nothing which would disarrange the bed-clothing, and it is suggested that there was a sudden pressure which would cause a quick loss of consciousness. Well, members of the jury, there it is, and if the prosecution are to succeed, if they are to prove to your satisfaction that this man caused the death of this young girl, they must prove violence. Now, I will ask you to consider again: Why should he be violent? Then Mr. Roberts went on in his cross-examination to show how reprehensible he was, how disgraceful he had been in his conduct after the door had been opened. Nobody would deny that. He himself said he was ashamed of it, and he said it more than once; he said it was beastly conduct. That was perfectly proper cross-examination, and it may have helped you, but it is not with that conduct that he is accused here. The reason why those questions were and could have been asked was that the answers might have thrown some light on what happened before, and it is said, "That light shows that you were a murderer, you wanted to get rid of the body, and you were denying that you were in the cabin because you were conscious that you had committed a murder and that her death was due to you."

Now let us consider that. Supposing his statement about what happened in that cabin that night is true. Supposing that suddenly and quite unexpectedly, without warning, that awful thing happens, and the man, who has had no reason to expect it, suddenly finds the girl going lifeless in his arms. What do you suppose he would do in such a terrible event? Would not his first reaction be, "She has fainted; I must get her round"? At once he tries her heart. Will he get some response in this lifeless body, to satisfy him that there is nothing really wrong? In order to see if he can hear her heart beat he puts his ear to her breast. He cannot hear it beat. He tries to feel her pulse but again there is no response, and then he thinks, "My God, she is dead!" What do you think was his state of mind at that time? What do you think can have been his state of mind? Of course, it is quite right for my friend to say, "Why didn't you slip out of the cabin? Why didn't you go straight away as soon as you realized that somebody had seen you there?" "And then," says my friend, "you must have known that this body would show something that would incriminate you." Must have known? How should he know? Cannot you imagine him thinking to himself then, if this was a case of strangulation which

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showed no visible signs (as Professor Webster said it might not have) "That is all right that exculpates me, I will slip away and everybody will think she died of natural causes"? How could he know that? Members of the jury, he could not, could he? Would not the thought in his mind have been, "She died, I know how she died, but who will believe me? I may have been identified, but who will believe me? I do not know that this body clears me, I do not know that it provides evidence which will exculpate me if I am identified. How is he to know that? I ask you to take these matters into account when you come to consider whether he should have come to the proper and honourable decision which you or I would have come to in cold blood. What would have happened in this young man's mind? He is not an actor, he cannot explain to you properly. He says, 'I was stunned.' Does that really explain the condition of his mind? Probably he is quite unable to explain to you what went through his mind at that time. It is evident that there was a great confusion of thought brought about by the terrible and sudden happening, and in my submission although what he did was a lamentable thing to do, it does not provide evidence upon which you can find him guilty of murdering that girl.

Now Mr Roberts went on—in fact, he began with the question, "Do you ask people to say you are a truthful man?" And he answered, "I do. And then it is pointed out that on five or six different occasions he had told untruths knowing that they were untruths. Are you going to find him guilty of murder because of that? Here was a man who did not know that he had been identified. He might easily have been identified because there were not less than six people sleeping in the cabin where his berth was. Any one of them might have woken up at twenty past three that morning and seen him coming in, and said to himself, 'Hullo, what has Camb been doing?' Any one of them might have woken up earlier and have missed him and said, 'Hullo, where is Camb?' And that evidence would have been available, would it not? And so not knowing whether he was identified or not he denies that he was there. He is not the first person, innocent of crime who has denied his presence on the scene because he wants to keep right out of it. Because of those denials are you going to say that you are satisfied that he committed murder?

Then what happens to him? He is taken at 5.30 a.m. from that boat. He is first seen by very experienced officers of the Southampton Police Force, he is taken to the Southampton Civic Centre and there he is seen by Detective-Sergeant Quinlan, and

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he is accompanied by that man Plumley, and throughout the day (except when they are away making their examination of that cabin) they are questioning him, putting to him facts which have been found, putting to him things which you may think were slightly exaggerated when you come to examine them, such things as the blood on the sheets. While on that point, members of the jury, we know the exact size, the exact measurement of the blood stains on the sheets (holding up a sixpenny piece).

Mr. JUSTICE HILBERY—Is that in evidence?

Mr. CASSWELL—I say, my lord, that that is the exact size of the marks.

Mr. JUSTICE HILBERY—But you cannot give evidence.

Mr. CASSWELL—I respectfully agree, my lord, but I am merely repeating what the witness said.

Mr. JUSTICE HILBERY—I wonder where you got that from?

Mr. CASSWELL—My lord, the witness said the marks were something about the size of a sixpence.

Mr. JUSTICE HILBERY—Which spot, or spots are you referring to?

Mr. CASSWELL—That is the one which had no saliva in it.

Mr. JUSTICE HILBERY—The other two were larger ones?

Mr. CASSWELL—Yes, my lord, and one of these two was so slight that Dr. Montgomery was unable to find out to which blood group it belonged, there was not sufficient blood, he said.

Well, members of the jury, the police officers must not cross-examine a man when they have made up their mind to charge him with an offence, or have charged him. They must not cross-examine him, and so they tell him what has happened. Detective-Sergeant Quinlan points out various things to him, the difficulty that he is in if he was in that cabin (as, he assures him, can be proved) and that the longer he puts off an explanation the worse it will probably be for him; and so for the best part of that day this goes on, and Detective-Sergeant Gibbons, acting as inspector, a very experienced officer, is brought in, and he recounts the various things

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which the police have found and the information which they have acquired about this man having been seen in the cabin at three a.m. And then he says, "Do you mean I may be charged with murder?" Do you remember that? Was it not almost as if it is a new idea in his mind? It is as if he is thinking, "Not only are you saying that I am in a difficult position, but do you mean that I may be charged with this girl's murder?" And the answer is, "We cannot say what the charge will be," and then came this remark which has been underlined, "Do you mean she may have died from natural causes?"—"from heart failure," I think the police said, but he did not agree with that. Don't you think that all that remark may mean is, "My word, they realize now what in fact happened." A more sinister suggestion is made by Mr Roberts on behalf of the prosecution. He says, "It was something put into your mind which gave you the idea to make a statement that what had happened was something like heart failure." Let us consider that suggestion. There are two things in that which, in my submission, tell tremendously in favour of my client. May I just remind you of this. He said, 'I have already stated to you that I went to Miss Gibson's cabin at about eleven o'clock on Friday the 17th of October, 1947, and during the course of conversation with her I made an appointment to meet her that night. I knocked at the door after I had finished work about one o'clock, but there was no answer. I opened the door of her cabin and found that it was empty. If you notice, in his evidence he never suggests that she led him on. He might have done so, and you might have thought that it might have assisted his case and if he had done so nobody could have contradicted him. He never said that she invited him there, he took upon himself the burden of saying that it was he who suggested that he should go to her cabin. It would have been so easy to say, "This girl invited me to her cabin." Remember this, moreover, when he made that statement it was months before Professor Webster had given any evidence in the case, and days before Dr Hocking had come into it, and at that time this young man could know nothing of her life in South Africa, he knew nothing of any previous attacks, and knew nothing of what the doctors subsequently found. What does he say? While in the act of sexual intercourse she suddenly clutched at me foaming at the mouth.'

Now, if he had strangled her, and if foam had come to the mouth, do you think he would have said a word about it if he was responsible? Nobody had told him there was a sign of saliva on the sheets. The prosecution never discovered that, so they could

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not have told him. Even after Dr. Montgomery had analysed the sheets they did not know. Does not that help you? I submit that it is one of those things in the case upon which you can very much rely. Here is a young man who does not know that she has ever foamed at the mouth, but if he had in fact committed violence on her and strangled her, and at that moment foam had come on her lips, with blood in it, would not that be the very last thing he would have mentioned? For all he knew that was consistent with strangulation and no other form of death. But if, on the other hand, if, as he says, she went dead in his arms and froth came to her lips, is he not giving you just a picture of what happened, and something that he would not have wanted to withhold because strangulation would not have entered into his mind? You may think that that is a small point, but I want to underline it in your minds, and I do not want you to forget it.

"Thinking she had fainted I tried artificial respiration on her . . ." and then, as Mr. Roberts pointed out, he ended up, "I am fairly certain that at the time she was dead." Fortunately, in one sense, we now know that she was in fact dead. And why do we know? Because Dr. Hocking, who has come and given evidence for the defence, found that urine on the sheet. It was not found by Dr. Griffiths. He examined the bed, but it was not found by anyone, and the prosecution knew nothing whatever about it. Now, fortunately, as I say, we know the medical men are as one about this. Of course the medical men do not decide this case, but they are here for your advantage, they are here to assist you. You need not accept their evidence unless you choose, but probably you will accept it.

Well, as I say, these experienced police officers had been with Camb, and they had received this statement made by him. Some time after that, the same day, as he says, or the next day, Plumley was left with him alone, and then, according to Plumley, he received from the accused what amounts to a confession. And what was it that Plumley said the accused said to him? "I did not think it would be as serious as this," and then he is alleged to have spoken about being worried about his wife, and then he went on—according to Plumley—"I haven't had any sleep since it happened. I can't understand why the officer on watch did not hear something, it was a hell of a splash when she hit the water. . . ." That may have been in Plumley's mind, but you heard what Captain Patey said, and I suggest that nobody who has travelled on one of these liners would have said a thing like that; he would know that it would be quite impossible for the officer on watch to



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have heard anything "She struggled, I had my hands round her neck and when I was trying to pull them away she scratched me. I panicked and threw her out of the port hole" Do you believe he said that? Are you satisfied beyond reasonable doubt that he did, or is it, as he says, something that was in the back of Plumley's mind, and did Plumley think to himself, "Here is something for me, I will say that he said this to me, what a triumph for me! Sergeant Quinlan did not get it, Sergeant Gibbons did not get it, but I, Plumley, who have only been in the plain clothes branch of the Force for eighteen months, I have got it" I ask you, having seen Plumley, and having heard Plumley tell me that he left the police force to better himself, and is now unemployed, I ask you not to accept that evidence, and I say to you, members of the jury, that it would be most unsafe, and even dangerous to let yourselves be influenced by such evidence, or to decide that such evidence satisfies you beyond reasonable doubt that Camb in fact made this statement and was guilty of this offence. In my submission it is directly contrary to the statement he had only just made, indeed contrary to anything he had said before. The fair thing would have been to have put it to him immediately afterwards. You may think that if this was something which had been taken from the accused during the absence of either Sergeant Gibbons or Sergeant Quinlan that they would have gone back to him and taken some of the precautions they had taken before, and put it to him in its entirety, saying to him, "Did you say that? If so, please sign it." They did not do that. Do not forget that.

Then there is the question of the taking of Exhibit 25, the consent signed by the accused for photographs and a blood test. Camb is certain that that was signed by him on the 25th, yet Plumley says he took it to Camb and it was signed by Camb on the 26th. It is not dated. You may think the accused was quite mistaken as to when this consent was signed, whether at the end of the 25th or whether it was the next day. His statement to you was, "I only saw Plumley when I was charged on the 25th," but Plumley says, "No, I went into his cell and that statement was made to me when I went to get that consent on the 26th." I submit that not on this point are you going to convict this young man.

Now let us get away from that to the cross-examination of Mr Roberts, severe, but fascinating as it was. Fascinating to consider what effect it may have had upon your minds. I cannot take you one by one and ask you, "What did you think of that?" or, "What did you think of this?" I have to imagine what is in your minds

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But let us examine this cross-examination. It is suggested that in that cabin there was violence. But why should there be violence unless it was the violence of a sadist, a man who does violence for violence's sake, because he loves it? But you have no evidence whatever that this young man is a sadist, or one likely to do violence in the heat of sexual passion, you have no evidence whatever that he is that sort of a man. I suggest to you, members of the jury, that the only explanation for suggesting that there was violence is the supposition that she was unwilling, that he wanted to do something which she was unwilling to permit. What light does the evidence throw upon that? Was she willing or was she not? We know, apart entirely from his evidence, that he spoke to Miss Field three or four days out from Cape Town, that would be on the 13th or 14th October, and told her that the deceased girl had been telling him quite intimate things about herself, that she was two or three months pregnant. How could he have known that unless she had told him? He did not know there was any suspicion of it, he had not had an opportunity of hearing these people who came from South Africa. He tells Miss Field she is pregnant, and Miss Field says to him, "That is the sort of thing you ought not to talk about."

How did he know? Is it not quite clear that there had been quite intimate conversation between these two people before that date? Now, what is the next thing? We heard that Miss Gibson was asking Murray, that is the short, dark steward, that Camb might bring tea to her cabin, and that was not the job of a deck steward. Why? She was not unwilling to have a conversation with him anyway. Do you think that she was getting to like him, and that in her eyes he was rather attractive? What next? Then we hear, do we not, that Miss Field found him waiting round near her cabin, and on the afternoon of the 17th she said to him, "If you go to Miss Gibson's cabin I shall have to say something about it to the chief steward." She said, "From the way he had spoken about her to me before I thought he was going to her cabin, and I thought it was not a right thing." But that is another matter. As a matter of fact we know that he used to prepare teas or trays of tea to be consumed in the cabins, and we know that he did once take a tray to her cabin although he had no right to go there.

What is the next thing? At half-past ten that night Murray sees him, and he hears him say to her, "I have a bone to pick with you, and a big one at that." She does not seem to resent that method of address, does she? Mr. Murray thought, "That is not

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the way in which a deck steward should talk to a first-class passenger," and so it stuck in his mind. What more do we know? We know that he was seen speaking to her later. We know that Mr Hopwood at any rate went down to her cabin, and saw her to her cabin at about 12 45 or 12 50, and he said good night to her, and he had every reason to believe she was going to turn in then. But he heard no bolt being shot in her door. Miss Field said she used to bolt her door, that she was nervous, and that when Miss Field went to the cabin in the mornings the door was always bolted and Miss Gibson had to get out of her bunk to unbolt it. So there you have it that she had been talking to him, she had said things to him which might have made him think she was ready to be more than friendly, you have her being escorted to her cabin for the night, and then a quarter of an hour later she is found on the promenade deck quite close to the deck pantry, she has not turned in, she has come out from her cabin. He says he saw her there on the deck and handed her her clock.

Now we have got to one o'clock when she is found on the upper deck. When did she go back to her cabin? When did Camb go to visit her? He had to get up at six every morning. You would think he would not want to turn in too late. He says he went there at one, and she was not there, probably she was on deck. Then at two—and consider this—supposing at two she had locked and bolted that door, and Camb comes to the door. In order to get in he must make some signal, or knock. If he was an unwelcome visitor would she not ask who was there? Could she not have called out? Was there anything to prevent her calling out to prevent him from coming in? Are you not satisfied that he was quite a welcome visitor that night? And if she was not unwilling to have him as a visitor, and if he was someone whom she expected there, why did she expect him? What would a man go to a lady's cabin for at two a.m.? Why? Not to bring food or refreshments. Don't you think she must have known quite well why he came and if she did, why resist when she has let him in. Do you believe that she resisted? I ask that because that is the essential part of the case for the prosecution, is it not? She was not unwilling to do what he wanted to do, and what she must have known he wanted to do. That is a part of the prosecution case, and what reason should there be for violence if he is not a sadist or a man who does violent things during sexual intercourse? What reason? You may think that the prosecution are very reasonable indeed, when they say, if there was violence here it was because she was unwilling. But I ask you, where is the evidence that she was unwilling.

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ing? What sort of girl was she? This is a most distasteful subject for me to raise, and it is this which makes this case so depressing. What sort of girl was she? We know what her mother said, and I am sure that all of you will sympathize with Mrs. Gibson. She took the only course a mother could, and no doubt she was perfectly satisfied in her own mind there was nothing against her girl's character, that she was not easy-going with men. I think she said as regards her health that she was reasonably fit, but I suggest that she had little opportunity of seeing her, and you may think that she was always on her best behaviour when on leave or on holiday with her parents.

But in South Africa what was the position? She was only a few days at Durban with her mother, and then she went to Johannesburg. She saw her mother for about a month, and then there were these incidents about which you have heard when the mother was not in Johannesburg at all; it is 600 miles away from Durban. You may come to the conclusion that that daughter did not tell her mother everything. The mother certainly did not know she had a contraceptive, or if she had, why she had it. You remember that I had to ask her mother about that, and she said that students sometimes bought them. But you may think there can only be one answer to that question, and that is that she was prepared to be intimate with a man, and that there would come a time when she would need to use it. Well, so much for the mother's evidence.

Then you have the evidence of Dalby who was with her for a considerable time and you have this corroborated by the mother that she was infatuated by this man Pierre, the Royal Army Service Corps driver. Then you come to the evidence of these people from South Africa. What was said to them? There was Mike Abel; he was asked if he had business over here, and it was suggested that to come over here for this trial was a nice trip at the public expense. The suggestion goes much farther than that; the suggestion is, "You are giving false evidence to get a free trip for yourself to this country and back." But there is no force in that if these people are only telling what they know. And what do they tell you? They all tell the same story: it is of a girl who is hysterical, who takes sudden fancies, a girl who kisses a man one moment and kicks him the next. It was a side of her which her mother had not seen; she was not familiar with that side of the girl's nature. Then there is her readiness to tell people about her private affairs. There are three if not four of them. Every one of those witnesses from South Africa knew about her pregnancy; she

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had talked to them about it and one of them is a lady who is a qualified medical doctor She asks her about it Do you think that is all untrue?

Now, unless Camb got this story about pregnancy from the girl herself where could he have got it? He could not have known about it otherwise, could he? Was it not true? And if it was true does it not show that at any rate that with one man to whom she was not married she was prepared to have sexual relations and that she had at any rate provided herself with a pessary as a preventative? I do not want to go through this evidence in detail, but you will remember that Dr Schoub said she had not seen anything for a fortnight, and the next time she saw her she was distressed about it. She said she was not satisfied with South African doctors Then, you may think it a remarkable thing, or perhaps you may think there is nothing suspicious about it, a man whom she had only known a short time provides her with £500 to enable her to return to England much sooner than she had previously intended, and she had to break her engagement with the theatrical troupe to go to Pretoria, the result being that that company had to cease its activities

Why did she decide to go to England so suddenly? Why did she accept £500 from a man who was not very much more than a stranger? Members of the jury, I ask you to consider these things Do you think that she was unwilling to have this man in her cabin that night? Can you be satisfied beyond reasonable doubt that she rejected his suggestions? Then my learned friend argued that this pessary which was found among her things shows that she was not pregnant. Does it? She had been advised a long time before that she was not necessarily pregnant and was advised to get a pessary My learned friend pointed out that she was not wearing it that night? But if the evidence as given before you for the defence is true, why should she trouble to wear it, the damage was done, there was no need to use a pessary But there it was in her case

Two other things occur to me There is the matter of the glass. She was sipping rum from a glass Miss Field was asked if she had found a glass in the room in the morning, and she rather thought it was not there in the morning But do you not think that when she went into that cabin she did things automatically, and when that was suggested to her she agreed that she might have taken that glass away automatically? Then may I mention the matter of the alarm clock Miss Field when asked if she had seen that alarm clock there said she did not remember, but the cabin was

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locked with a special lock, and when Sergeant Quinlan went into the cabin there was the alarm clock by the bed on the dressing table. Does it not look as if Miss Field may have seen the glass there and have forgotten about it if she missed seeing the alarm clock?

Then what about this ringing of the bells, the evidence as to which caused some investigation as to the lay-out of the ship. Steer had said in the Court below that it took him three or four minutes to get from that galley downstairs up to Cabin 126 on the deck above. But what about it? You have seen the plate with the bell pushes, and you have seen how small is the space between the dressing table and the bed, and I suggest that anyone who got past that bed for any reason might easily press both those bells with his hip and not know that it had happened at all. What happened? Mr. Soper told you that at a fairly quick walk he could get from the galley to the Cabin in about a minute. The night watchman says the bells went at 2.58, that is two minutes to three, and Steer says he went up directly, that is immediately, and he said, "I was there in under a minute." And what does he find? He finds this man, who, it is suggested, was assaulting, or had assaulted an unwilling woman, had not even bolted the door behind him. The door is there, ready to open, and Steer gets there in about forty-five seconds, or at the most a minute from the time when the buzzer went downstairs. He finds the door unbolted and if you would look some time at photograph 3, you will see how easy it was for anybody standing by the bed to put out his hand and bolt that door. That bolt is higher up than the handle. It looks as if it is the ordinary type of press bolt with a knob on it. He did not do it. Why? Why? Is not the answer that he had not the slightest idea that the bells had gone at all? The prosecution suggest that the girl put out her hand and pressed the bells, and then comes a second suggestion from the prosecution, "Oh, yes, and when you realized that she had rung the bells you did—what?"—and what a terrible suggestion it is—"you throttled her in order that evidence should not be provided against you and you should lose your job." Realized that she pressed the bells! Because she pressed the bells! And you had not even locked the door? Members of the jury, is it not quite clear that he had not the slightest idea that those bells had been rung, and that he did not expect anybody to come up? If he had known that the bells had been rung he would know somebody would come running up. You have only got to look at the plan to see that if he had known the bells had been rung he could have got away and

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there would not have been the slightest difficulty about it. There was plenty of opportunity to get out of Cabin 126, go past the hairdresser's shop, and get right out into another part of the boat altogether. Can you doubt that he had no idea that these bells had been rung? If he had known, what would he have done? Do you really accept the theory that having seen that the bells had been pressed he turned round and in that short space of time throttled that girl?

How do the prosecution base their theories of violence? They cannot point to any disturbance of the bed or the cabin because Miss Field tidied the place as usual next morning. There must have been some disturbance of the bed because the prisoner had to stand on it to put the body through the port hole. But there is no other sign. Nobody can point to anything which would suggest that a violent struggle took place there. There is nobody who can say they heard a sound. You will remember that I asked the captain about that. If there was a violent struggle in that cabin would not the occupants of adjacent cabins have heard, and he said, "Yes." And I suggested that the walls between the cabins are very thin indeed, and he said, "Yes." And then there is an open grating over the door of the cabin. There is no glass there, it is just an open grating and noise could easily get through. So you may think that the prosecution have been well advised to say there was no struggle. "Our evidence here," they say, "is of marks on the sheets." But after all, what did they know about those sheets when this case started? They did not even know that there was saliva on the sheets, or that there was urine. All they knew about were these marks. And what were they? Three smears of blood—three smears—and two, we know, came from the lips, that has been proved by Mr Hocking telling you that one was merely superficial, it did not sink in, and the size of it was a quarter of an inch by an eighth of an inch. Does that show any great injury? One spot of blood just a quarter of an inch by an eighth of an inch. Well, there was that.

Then they say because there were scratches on his wrist, and because he wore his white coat the next day, therefore you are to infer that this was a case of death by strangulation, and not the form of death which he has described. Now, you will remember that although he thinks he was not injured in that cabin at all, and said so, you will remember how he described his right hand as being on her left hip, and how she suddenly clutched it, and the medical men have told you that that grip at the point of death would be likely to be a very firm grip. "She suddenly clutched

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me," he said in his statement, "foaming at the mouth." He says that the marks on his body were due to him scratching himself by reason of itching caused by the hot climate. He may not have realized at all that she had clutched him so deeply, and in the excitement of the terrible position he was in by reason of her wholly unexpected death, the terrible state of his mind at the time, he may not have noticed that at all. Whether or not we feel an injury, depends on what the mind is doing at the time, whether there is something far more urgent to attract our attention.

You heard Dr. Hocking state, and Dr. Montgomery agreed, that these marks might have been made by the indentations of a finger nail and then a pulling away. If a man's wrist is grasped would he not try to pull it away? Not a wound here was of any length, and you may think that Camb was quite wrong when he said that he did not sustain any injury in that cabin, and you may think that, having found it afterwards, he thought he had scratched himself. But are you, on that, going to say—on these three smears of blood, and the urine, and the rest—are you going to say you are satisfied beyond reasonable doubt that this young man strangled that girl?

When you consider that, and his statement, let me also refer you to what we know of her medically. You have had the evidence of Miss Armour, and Dalby, and you know they tendered their evidence to the police and they were handed over to the defence by the prosecution. Do you think they have come here to deceive you? They had no axe to grind. They did not know Camb, but they both had acquaintance with Miss Gibson, Dalby for some time. Did they come here to give evidence to get a holiday? You have heard what they said, and I am not going to repeat it to you. It is very remarkable evidence, is it not, and two happenings, whether hysterical or not, were very like fits. Then you get the A.T.S. doctor, Ruth Haslam, the lady doctor, and she was relying not on her memory but on the notes of her medical history report which is kept in her A.T.S. file. And we find this: that she was not even told about Miss Gibson; she had to take her previous medical history from the girl herself, from what the girl told her, and the girl, as you know, did not want to be kept in the Army; she wanted to go away with her mother in a week's time to South Africa; she wanted to get what is called "compassionate release." And if there was anything about her which would lead to a more careful medical examination she was not going to tell it, and one thing we know she did not tell was that she had actually been in hospital for five days only a fortnight before.



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Dr Haslam did not know that. She found, of course, the infection of the ear, a matter on which Professor Webster placed some reliance. She found some wheeziness from a previous cold, about which the girl told her, and she said that she found some scattered sybilla, or what we might call a creaking in the chest. The girl said she had had a cold, and so that gets on to the medical history sheet. That was in February, 1947, and then within a week or ten days she is on her way to South Africa. I think she was examined on 19th February and sailed on the 26th with her mother.

Then again, you remember that these witnesses said she told them she was asthmatic, she told some of them that she had come out from England for her health. That may have been for the purpose of making herself appear interesting. She certainly seems to have told them that she was asthmatic. Her mother agreed that she was having injections. "I told her to have these as a preventative of colds." Mr Hopwood said she told him she had to take injections. He said she had a cough and she said, "I must take one of my injections."

What other evidence is there? There is the evidence, is there not, of Mr Mike Abel. He says that this woman collapsed on one or two occasions, collapsed on one occasion in his car, and then he noticed the colour of her lips, foaming at her lips. Then there was the evidence of Joan Armour, and in answer to one question, a question which was objected to, as to what was her general view of the girl's health, her answer was, "I thought she was ill, an ill woman."

Now, none of this was known to Camb, but does it not help you considerably? How does it help you? Does it not help you when you are considering his statement as to what happened, and his evidence here? None of all this was known to him, he had no knowledge of her previous medical health or history, yet his account of what happened is remarkably consistent with it. I am not going to keep you much longer, but do remember here the medical history, the evidence of Dr Hocking, and opinions given by Dr Hocking and by Professor Webster. The medical men are not here to come to decisions, they are here to help you and to give you their opinions. You realize, do you not, that the medical gentlemen on either side in this case are not in strict agreement. Members of the jury, if medical men cannot be in strict agreement, men who have but to deal with cases of strangulation, how can you, as layman, say that "We are satisfied." The medical men are not satisfied but we are satisfied beyond reasonable doubt. We know

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the medical men have seen everything upon which the prosecution have relied, but they say they do not agree. As to that, Dr. Hocking has had a tremendous experience, and in this case he made a far more careful examination than was made either by Dr. Griffiths or by Dr. Montgomery, and he found things which they did not find at all. And, having made that careful examination, what did he say? He said, "While I cannot rule out strangulation I do not think strangulation would have produced as much blood as I found there."

Mr. ROBERTS—I cannot find that in Dr. Hocking's evidence.

Mr. CASSWELL—Has my friend looked for it?

Mr. ROBERTS—I have looked most carefully through the evidence of Dr. Hocking and I cannot find that he said anywhere that there was more blood found here than would be found in a case of strangulation. Questions were put to Dr. Griffiths and to Dr. Teare, but I can find nowhere that Dr. Hocking said that more blood was found here than would be found in a case of strangulation. I am liable to correction, but I can myself find no such evidence. My learned friend said that Dr. Hocking had said there was more blood on the sheets than he would expect to find in a case of strangulation. I put that very point of view to his doctor, and his doctor did not agree. I put it to him specifically and he said he could not rule out the question of strangulation.

Mr. JUSTICE HILBERY—Then Mr. Roberts is right?

Mr. CASSWELL—Yes, my lord. Members of the jury, I trust you will rule that out. It is true that Dr. Hocking said that he could not rule out the question of strangulation, but he also said, "The account which is given to you by Camb is equally consistent with everything that has been found here. I cannot say that strangulation was more probable than that." He also says that what Camb said he could not have been expected to say from any knowledge of her previous history, and could not have been coached into telling you, but it is perfectly consistent with what has been found.

And then comes Professor Webster. Here is another case in which a witness was offered to us by the prosecution. Professor Webster was first asked to consider everything which was then known to the prosecution. What happened? He does not give evidence for the prosecution; he is handed over to the defence. And

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what does this man, with his tremendous experience do? He says, 'I do not rule out manual strangulation, but I do tell the jury there are four other ways in which this girl could have died which are consistent with the explanation given by Camb, four other ways which would have produced the same symptoms, and left the same traces behind, and in every one nobody would have diagnosed her condition before.' Professor Webster tells you, "I have personal experience of that type of death." He had Camb had not. But Camb tells you that is how it happened. You do not suppose that Camb had ever read of a case like that in a medical book. Is it not perfectly clear that here is Professor Webster coming to you and saying, 'I am a man of great experience and I say it is not safe to say that the girl died of strangulation, there are four other alternative ways of death, and I have known of cases of young people who, having had defects such as have been described, have died in the course of sexual connection.' How could Camb imagine that that was going to happen, and how could that man think that anyone would believe him when he said that it had happened? But fortunately you have had before you medical evidence which gives you good reason to believe that that is what happened in this case.

I am not going to keep you any longer, but I do ask you to remember this, to remember it right up to the time when you are called upon to consider your verdict, and never to forget it while you are considering your verdict, that in this country of ours, and wherever the British law travels, it is not for the prisoner to prove his innocence—it would be very hard on him if it were. This is not like those countries when an accused person is badgered and questioned, and accused, "You did this, you did that, you did it in this way, or 'Prove that you did not do it'." As we know, it is not easy to prove a negative. It is not easy and it is not fair to ask a man to prove a negative. That is not the law in this country. When the prosecution put forward evidence, it may be circumstantial evidence, which my friend describes as conclusive, whenever that calls for an explanation the prisoner is not bound to prove to you that the explanation he gives is true beyond reasonable doubt, he has not to satisfy you. The burden of proof has never shifted, it is still for the prosecution to satisfy you of the truth of the charge they bring and to do it beyond reasonable doubt. And so, having considered all the facts of the case, and what the man himself has said, if you are left in this state of mind, "Well, I cannot be certain, I do not know whether his explanation is true or not"—if that is the state of mind in which you are left, then the prosecu-

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tion have not fulfilled the burden that is upon them, they will not have proved beyond reasonable doubt that this death took place by violence in the way, or in one of the ways, that they suggest. Members of the jury, I ask you to remember that. It has been described as a golden thread that runs through our law, and it is a thing which we should never forget. He may be behind bars; he may be in the dock; but until he is proved to be guilty he must be considered to be innocent; and so, unless after hearing all the evidence you are then satisfied beyond all reasonable doubt that he committed that crime with which he is charged, you must acquit him, and that is what I ask you to do in this case.

## Closing Speech for the Prosecution.

Mr. ROBERTS—May it please your lordship, members of the jury, when I opened this case last Thursday morning I said to you that in the submission for the prosecution this was a case of murder, and it was murder either committed in the cabin before the body was put through the port-hole, or else the body of the woman, after resistance had been overcome was put through the port-hole whilst she was still living, and I put the case in that alternative form because the prisoner in his statement, exhibit 24, said, "I am fairly certain that life was extinct when I put the body through the port-hole," thereby implying that he was not sure. Since then, owing to medical evidence called by the defence (with which the prosecution agree) in my submission it has now been clearly proved, and it is accepted by everybody, that that woman died while on the bed, because there is incontrovertible evidence of a terminal act of life, namely, her bladder evacuating its contents, and therefore, members of the jury, there is, I am submitting to you in the view of the prosecution, no doubt whatever that the woman was dead before she was put through the port-hole, and it is quite right to say, and the defence are entitled to any capital they can properly get through it, that the urine on the top sheet, an area of some 15 by 6 inches, was not mentioned by the analyst for the prosecution. One would have thought, perhaps, that it ought to have been found, it is one of the distinguishing, and common, features of death by manual strangulation.

The issue, therefore, is: Is it proved that the deceased girl met her death in the cabin in such circumstances that the prisoner can be convicted of murder? And may I say, as I said to you in the opening, and as my friend has said quite properly several times in his final speech, and I say it to you again: the duty of proving

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that is upon the prosecution. If you are left in any reasonable doubt as to that having been proved, you will find the prisoner not guilty. You will give him the benefit of the doubt, that is, any reasonable doubt, and that is the only issue. Several other matters have been raised in this case. Was she pregnant? Was she a woman of loose morals? Had she got heart disease which nobody could diagnose? Had she got asthma? You are not called upon to give any answer to questions of that kind, you are called upon to consider them in arriving at your verdict, and that verdict is on the question. Is the death of this girl (though you may first have to answer a preliminary question, because of the disappearance of the body, but that will be a matter for my lord) if you are satisfied she is dead, is it proved that that death took place in such circumstances that the prisoner is guilty of murder?

Now, members of the jury, at first sight, in my submission, this, unfortunately, is a singularly clear case of murder. The evidence at first sight is of a normal young woman, of about twenty-one years of age, after a decent and honourable career in the Service when she was eighteen to twenty. She was a first-class passenger on this liner, in apparently normal health, taking part in dances, leading a normal life, so healthy as to be actually looking for her swim suit at eleven o'clock at night, ostensibly to swim in the ship's swimming bath because it was a very hot night. And the prisoner, a deck steward on the half-empty liner, was apparently interested in this girl, because he goes up to her at eleven o'clock at night, apparently a little piqued or annoyed with her at not replying or responding to any advances he had made, because he was heard to say to her, "I have a bone to pick with you, and a big one at that."

Then we know that later in the night the prisoner goes to this girl's cabin and both bells in her cabin are rung at three o'clock in the morning. My learned friend, Mr Casswell, asked you some questions about that. He said, "Where is the reason for any violence? Where is the evidence that this girl was unwilling?" And he said that if the prisoner had known the girl had rung the bell he would have left the cabin and it is suggested that these bells were rung by accident, apparently by him brushing against them. If my lord thinks right you may be able to look at these bell pushes. They are not bells which will respond to a touch; they are bells which have to be depressed with a certain amount of force, but, members of the jury, that is entirely a matter for you. You should look at the position of these bells in photograph 3, the bell panel is between the bedside table and the head of the

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bed. You may think it is a very difficult part of the cabin to get to and to brush against at all, and certainly to do so without knowing that you have done it.

Well, members of the jury, these bells are proved to have been rung at two minutes to three in the morning, and here is the evidence, in my respectful submission, in answer to my learned friend's question, Where is the evidence that she was not responding to his advances? First, there is the evidence that he had said to her, "I have a bone to pick with you and a big one at that"; secondly there is the evidence that she rang these bells at three o'clock in the morning. Now this prisoner has told you that he was so frightened of losing his job that he would take the astonishing step of putting a passenger's body through the port-hole in order to preserve his job. It is said, "If she rang the bells why did he not leave the cabin?" But it would have meant instant dismissal if he had because the girl would at once have complained that the man was in her cabin making advances to her, and saying, "They were advances which I did not invite and which I rejected." That may be the reason, you may think, why he did not walk out of the cabin. Then, members of the jury, continuing with the submission which I am putting before you for your better judgment, that this is a clear case of murder, the prisoner, according to the evidence with which all the doctors agree, may have strangled that girl. All the doctors agree in saying that all the features of strangulation are present in the bed and on the body of the prisoner. The prisoner then disposes of the body—the very best evidence in his favour if he is innocent, but the most deadly evidence against him if he is guilty.

And then he lies. He tells an untrue story for a week, and he is going to take that untrue story with him to the grave, or rather, the secret of that girl's death and disappearance. He has no thought for anybody, as he himself said in the witness-box, except himself. And then, when it is clear that the police will not accept that first statement, and when he realizes that the police can at any rate prove his presence in that cabin at three o'clock in the morning, well, then, he tells another story. It is for you to say, having heard all the evidence, and all the comments upon it, whether you, as sole judges of the facts, think that that second story is any more truthful than his first one; a story to which he adhered until driven from it by the remorseless logic of the evidence against him.

This is where, I suggest to you, this defence arises, and from whence it springs; because, when Sergeant Gibbons is saying to

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him on the 25th of October, "Now the police are satisfied that you were there in that cabin and if you persist in denying it that may prejudice you if you have any other explanation to make" And to that he said, "Do you mean she might have died a natural death?" Well, members of the jury, do you think that that was the genesis of this defence, and that then, after a few minutes, he makes that statement, Exhibit 24, and it is suggested for your consideration by my learned friend that there is matter in that statement which strongly supports the innocence of the prisoner. Well, members of the jury, it is entirely a matter for you. I suggest that it much more strongly supports the inference of cold fear. My learned friend emphasized the passage, "While in the act of sexual intercourse she suddenly clutched at me foaming at the mouth," and he asked, 'How could he have said that she was foaming at the mouth if he did not know that that was a sign of death by natural causes?' The case for the prosecution is that he had good reason for him to say that she was foaming at the mouth because she did so, that being caused by strangulation. And the prosecution further suggest that she was so strangled in order that help might not come, she having rung the bells, and so that there might be no evidence that he had been in that girl's cabin. Members of the jury, I suggest that he said she was foaming at the mouth because in fact she was foaming at the mouth, and foaming at the mouth because his hand was strangling her.

Then, quite properly, the defence has set out to support that second story of the prisoner, and one is glad to know that no effort was spared in his defence, that from the first moment he was represented at the Police Court by a solicitor and by learned counsel, and the prisoner, having listened to the evidence at the Police Court, made a statement which I have put in, 'I am not guilty of this charge, I did not kill Miss Gibson, she died in the way I have described, my mistake was in trying to conceal what happened. Witnesses already called could, I am sure, have told much that would help in this case, and witnesses in South Africa know about the state of her health.' It is quite clear that the defendant knew that steps were to be taken (quite proper steps) to see what medical evidence could be obtained, either in this country, or from South Africa, or what evidence could be found as to the state of the girl's health, and it is a satisfaction to everybody to know that Mr Wells, a representative of the defendant's solicitors, went out to South Africa to try and get witnesses who could speak as to this girl's state of health. But you may think that the witnesses which he was only able to obtain are witnesses



Mr. G. D. ROBERTS, K.C.

*Holby*



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who are not at all imposing, and it is almost proof of her normal state of health that the defence were unable to call any medical man, any record or, indeed, any evidence at all to show that this girl had had any treatment at all, any treatment over the period of the six or seven months during which time she was in South Africa. And then, members of the jury, quite properly, two medical men of high position and of undoubted integrity, Dr. Hocking and Professor Webster, are called to say—what? That, taking the defence, and assuming it to be true, assuming it to prove certain things, we say (and this is as far as they go) she may have died from natural causes.

My learned friend used the phrase, that where doctors disagree how can a jury agree? Members of the jury, that phrase may be the fresher every time it is used, but you must not be led away by any attractive phrases. You have to examine the evidence here and see if there is any substantial disagreement among the doctors. I submit there is no disagreement on the vital issue. I submit it is perfectly clear that all the doctors, Dr. Teare on the one side, and Dr. Hocking and Professor Webster on the other, all say there are here present all the common features of death by strangulation, and all that Dr. Hocking and Professor Webster say in addition is that death may have been by natural causes. In the early stages it was put to Dr. Teare and he said he could not exclude (and of course no one can exclude) the possibility of natural death.

But, members of the jury, you have to deal with the probabilities as they accord with the known facts, and not something which would amount almost to a miracle. I have to examine (I hope quite shortly) the medical evidence which has been put forward by the defence, and see how far it will carry you. There was Miss Armour, who said that at the end of June or the beginning of July, 1946, she was in the Auxiliary Territorial Service in a billet at Sloane Street, London, with Miss Gibson who was in that corps. She said that one night she was called to Miss Gibson and found her in some kind of a fit, her back was arched as if she was resting on her head and her heels; she was not taken to the casualty station and so apparently no official medical entry was made, and therefore she cannot have been seen by any medical specialist. In fact, the evidence was that she was quite recovered and herself again next morning, and she was never off duty at all. I do not need to take long over that. My lord did obtain from Professor Webster an expression of opinion that the symptoms which were mentioned by Miss Armour pointed to an hysterical attack, possibly accompanied by some heart pain. But it is difficult to see how Miss

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Armour can be right, because she said this happened at the end of June or the beginning of July, 1946. Now we have had some definite evidence of dates from Mr Dalby. Mr Dalby said that this travelling troupe arrived from Germany on the 17th of June, 1946, they got to London, and then they all dispersed, and Miss Gibson went to Liverpool to join her parents. They had a week's leave, they re-assembled in London on the 23rd of June, and then they moved away, first to the north of England, and then to the south of England, and they were travelling about until the 3rd of August. So, according to the defence's own witnesses, that put Miss Gibson out of London the whole of June and July except for passing through and as far as the official records are concerned there is no record of her being affected by any illness at all. Her mother did not hear of it and it is not on the girl's medical history sheet, a document, of course, which is kept very carefully, it is a form which shows all the casualties and all the illnesses and all the treatments which have occurred during that person's service, and there is no mention at all of this incident which was described by Miss Armour. And don't forget, Mr Dalby said that this girl was never absent for a day in 1946.

Now Mr Dalby gave evidence, and I do not know how it assists you, but you cannot exclude any evidence, and no one can criticize anyone who is called by the defence, but you will remember that you have got to clear away the chaff from the wheat. Mr Dalby said that she was hysterical and neurotic and infatuated with a man called Pierre. She could not be spared from the show because she was playing the lead, and on 11th December, in the hills of Wales, they had to travel twenty miles over bumpy roads in a vehicle in which they had nothing to hold on to, and nothing comfortable to sit on, and in those conditions it was said that the deceased "passed out." But she was seen the next morning, and she was pale, as many people are if they have been enjoying themselves too much the night before, and nothing more was ever said about the incident, and how that is supposed to assist you it is not for me to say. I know you want to give a verdict here in accordance with the evidence, but do not be diverted from the dreadful happenings in that Cabin 126 by such immaterial and irrelevant stuff as that. Because perhaps a girl had rather too much to drink two years before in the hills of Wales, what has that got to do with the issue which you have to try? Do not be diverted from the tragic facts of this case by irrelevant material of that kind, because if you are, you will not, in my submission, be doing justice.

May I pass from that A.T.S. service from January 1945, to

# Closing Speech for the Prosecution.

Mr. Roberts

February, 1947, by pointing out that, apart from five days' absence at home sick in April, 1945, and four days in hospital during one of our English winters, in February, 1947 (and you will remember what a winter that was), this girl was never absent from duty at all. She was medically examined, and, apart from the infected ear, she was passed fit, A.W.I. That is the evidence, is it not?

Now we get to the evidence from South Africa, and in that we have the result of the visit of Mr. Wells to South Africa, the harvest which he brought back with him, the witnesses to support the case of the prisoner which he stated to the Southampton police on the 25th of October, 1947, was that this girl had died a natural death. Well, members of the jury, you saw them. Mike Abel: he knew the deceased from the end of July until the 20th of September when she finished her contract. He said that she had come to South Africa for the benefit of her health. We know that she did not go to South Africa for the benefit of her health. He said that she had five fainting fits, and then he recited some of the common, well-known symptoms of heart disease or bad circulation, that she had blue lips on one occasion, and that she had a pain in her arm and chest. I think those were all dealing with her health. Well, members of the jury, do you not think it is a remarkable thing that on no one single occasion did this girl go to a doctor? There is no evidence that on any one occasion she had any medical attention at all, although there was a medical woman at hand in the presence of Dr. Schoub. I ask you, members of the jury, to say that that evidence of Mr. Mike Abel is not to be accepted, because on the other hand you have the evidence of the girl's mother, herself a nurse, who declared that the girl had never had asthma. You also have the evidence of the A.T.S. records. You know that people are carefully examined there before they go out of the Service, very carefully examined, lest there should be a claim for a pension later on. That, I submit, goes to prove that she never had asthma, and never had trouble with her heart, while as for the injections which have been spoken about, they were, as her mother said, merely for the purpose of warding off colds. As for the rest of Mr. Mike Abel's evidence, my learned friend thought it might assist you. It is for you to say if it does, or whether it does not rather tend to divert you from your true duty here. Is it any assistance to you to tell you that at the rehearsals of these plays in South Africa this girl was charming, then laughing and then kicking this man, and then slapping his face? For all we know he richly deserved such treatment. This was a young girl of twenty. From the other evidence in the case does she appear

## James Camb

Mr Roberts

to be the sort of person to slap a person's face without good reason, and does all that evidence of Mr Mike Abel assist you to determine how this girl died on that early morning in Cabin 126? I submit that it is of no assistance at all. This poor girl is not here to defend herself, and that is a self-evident fact, but we know her opinion of Mr Mike Abel from what she said to her mother, 'He is a gangster, mother'. But you do not have to find whether he is a gangster or not, but you do have to find whether his evidence assists you at all to prove that this girl was likely to die a natural death, and in my submission you get no assistance for it whatever. Then you had Mr Gilbert, who said that she was charming and well bred, her demeanour was curious and she seemed to find her role rather difficult. Is it very astonishing that a young actress, a girl of twenty or twenty-one, should find a leading role rather difficult? He gave some evidence as to one faint, and he does say what Mr Mike Abel said, that she had told him that she had come to South Africa for her health because she had asthma. You may think that Mr Gilbert presents rather an astonishing situation. His wife is a doctor, and surely if this girl was fainting in the presence of Mr Gilbert you would have thought that his wife would at any rate have looked at her or had her taken to her casualty station at Johannesburg. You might contrast Mike Abel's evidence with that of Gilbert. Abel mentions five or six faints, Gilbert mentions only one. And do not forget this. Mr Gilbert made this girl broadcast, and he was so impressed by the girl that he asked her to play the lead in 'Golden Boy'. She did play the lead, and she had excellent notices, and you heard that Mr Gilbert wanted her to go to Pretoria, but she said, 'No, I am going back to England', so he cancelled the show. And whatever Mr Gilbert said (and in my submission he said very little about her health) does it not show that he had confidence in her as an actress, and nobody could have confidence in an actress if she was not fit to do her job? Mr Gilbert said that sometimes she came to rehearsals smelling of drink, and you may think that some shame attached to people who allowed a girl of that age to drink to excess. Then we were told about her association with a man named Charles Braun and Charles Sventonski, and it is said that she got £500 from Sventonski with which to return to London and continue her stage career.

How that is going to assist you I do not know unless it is supposed to show that she was the more liable to fall a victim to the blandishments of the deck steward. Now we get to the evidence of Dr Schoub. She is a doctor, but you may think that

## Closing Speech for the Prosecution.

Mr. Roberts

1947, only eight months before her death) nothing about asthma at all. As perhaps you know, asthma is a progressive disease, and asthmatic patients usually get worse in the winter, but I do not know if you have ever known anybody to die of asthma suddenly. You may remember that I put that to Professor Webster, and he agreed that it was most unusual.

Well, then Dr. Hocking said there was an absence of crumpling of the sheets and bed-clothing such as might be looked for if there was a violent struggle or if there had been a violent fight. Nobody suggested that at all. In any case, I suggest, it would not have been a very long or violent struggle with this compactly built steward sitting on the bed, or possibly standing up, and that girl lying on the bed, as you know she was at any rate in her last moments because of the evacuation of urine. Can you see her putting a hand out and ringing both those bells? And what does he do? It is the work of a few seconds to bring unconsciousness to her by pressure upon her throat; what disturbance do you think would be caused in those circumstances with that strong man dealing with that weak girl lying on her back on the bed? She was at every conceivable disadvantage. I am sure that Dr. Hocking was quite ready to deal with the question of a struggle but the prosecution have never suggested that there was a struggle, and to seek to deny that there was a struggle is like putting up a skittle just to knock it down. I do not complain of that in any way, but please, members of the jury, do not be diverted from the truth in this case by ill-considered theories which have never been put forward by anybody; you have enough to do to consider the proved facts of this case without concerning yourselves about theories which have nothing to do with the evidence.

Then, members of the jury, the scratches on the hand. Dr. Hocking said they could have been caused by the prisoner scratching himself, and he said the upper ones could have been caused by the deceased digging her nails in as the prisoner described her suddenly clutching him, and then by his dragging his arm away. But he also agreed that scratches of that kind (although he said these were a little high up) are a common feature in death by strangulation. I submit that neither Dr. Hocking nor Professor Webster are entitled to reconstruct evidence in a way which is contrary to the evidence of the person on whose behalf they each appear. That may have been caused, they say, by the girl convulsively clutching him at the time of this natural death. Dr. Hocking agrees that there may have been a digging in and that there may have been a drawing of the nails as well, but you will

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Mr Roberts

smears, two of about the size of a sixpence, and you are told that that blood can be classified as of blood group O. We cannot say that that is the deceased's blood group, but we can say it is not the prisoner's blood group. The third blood spot could not be grouped, there was not enough blood in it, but it had a trace of lipstick in it, showing I suggest, that it came from the woman's mouth. Some questions were put to the doctor, Dr Teare, as to whether the spots of blood were greater than would have come from strangulation, but Dr Teare did not agree. He said, "No, there is not too much to be consistent with strangulation." When Dr Hocking gave evidence he was never asked that question at all. Professor Webster was never asked that question at all, and therefore you have had no evidence challenging that the amount of blood was consistent with death by strangulation.

As I have told you and as you will remember, members of the jury, all the doctors agree, Professor Webster, Dr Hocking, and Dr Teare, all agree that blood stained froth and saliva are common features of strangulation, and they agree too that so is the passing of urine at the time of death. It was Dr Hocking who said that the passing of urine was not usual in heart disease alone. Professor Webster said, "No, it is usual in all these cases," but, members of the jury, I submit that this is a conclusive point. My learned friend said that I had said that something was conclusive, but I say nothing, I make submissions only for your better judgment, and so here I suggest to you that this is a conclusive point, and I suggest further that the prisoner is not telling the truth when he says he was on top of that woman at the moment of her death, because you now know that there was in this case a terminal act, the evacuation of urine, and that urine gets on to the top sheet.

Members of the jury, quite obviously if the prisoner was on top of the woman most of it would not have got on to the top sheet at all, it would have gone on to the prisoner, and the prisoner has never said that he had urine upon him. Does not that show that he was standing by her side with the strangler's hand round her neck? Dr Hocking, on the question of the cause of death, said it might have resulted from long standing asthma. "I conscientiously think the girl could have died in the way described, or could have possibly died in the way described." You see, he is assuming that this girl was suffering from asthma, but I submit that there is no satisfactory evidence of that at all, I submit there is absolutely none. The only mention of asthma is from these three South African witnesses, and not one of them ever saw her in an asthmatic fit, and this girl's military medical records show (which run to February,

## Closing Speech for the Prosecution.

Mr. Roberts

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Mr Roberts

remember that the prisoner has said and in my submission it is for you to say whether truthfully or not, that "Miss Gibson did not cause me any injury at all; I did not suffer any injury from her at all."

Mr Casswell—He said that some of the marks may have been caused by Miss Gibson

Mr Justice Hilbery—"I received no injury from Miss Gibson."

Mr Casswell—I understood him to say, "Some of the marks may have been caused by Miss Gibson."

Mr Justice Hilbery—He certainly said twice, "I received no injury when with Miss Gibson, I told the truth that I had made these scratches."

Mr Roberts—Members of the jury, I invite my friend's interruptions because they may help you to see the more clearly where the truth lies in this case. If you consider I am not doing the evidence full justice, and if my friend thinks I am wrong, let him interrupt me. Did not the prisoner say, "My hands and right wrist I scratched those myself, I received no injury of any sort while in the company of Miss Gibson, no blood came from my body"? My suggestion to you, members of the jury, is that it is rather an astonishing thing when you have expert evidence explaining to you in one way marks on the body of that prisoner, and in a way which is entirely contrary to the evidence which the prisoner has himself given about it. The experts can explain evidence, they can give you a theoretical suggestion for you to accept, but they cannot contradict the evidence of the person for whom they are appearing, the evidence which he has himself given, and it was put very clearly to Camb over and over again. And you will remember that Dr Hocking said that these indentations in the flesh of the prisoner would have hurt, must have hurt. We all know that if the human nail is driven deeply into the flesh it certainly can hurt. But he says, "No, I had no injury at all."

Then Dr Hocking mentioned the case of one young person who had died in sexual intercourse, while Professor Webster mentioned three who had died during intercourse. Well, they have each been years in their profession, and they are leaders in their profession in different parts of England, yet they can only mention four such cases, so you will realize that it is anything but a common occurrence, in fact, it is an exceedingly rare death. One does not



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Mr. Roberts

want to have a doctor to tell you that, does one? But of course people occasionally die when walking along the street, or watching a football match, or playing golf, or pushing a bicycle up a hill; but it would not be right for you to decide your verdict in this case merely because something might have happened very improbably, very unlikely, because in that case, in my respectful submission to you, justice would not be done. I think I have dealt with Professor Webster's evidence in the same way. It is based on the evidence of Miss Armour and Dalby, or the three South African witnesses which suggested that there was some likelihood that it was a natural death. My friend shakes his head. But if that were not so why was all this evidence called? I submit that all this defence is most problematical. Professor Webster says she might have a congenital aneurism. There is no evidence at all that she had a congenital aneurism. I take it that you can reject all the A.T.S. and the South African evidence about that because he says it could not have been diagnosed. Then he says she might have died from heart disease, and he says it is rare, but not uncommon even in the young. Well, members of the jury, I submit that you would not be right in saying, "Well, I am going to think that possibly this most unlikely death from heart disease has occurred." Thirdly, Professor Webster suggested that death might have occurred from heart failure caused by poisoning of a heart muscle from some septic focus in the body, and he pointed to the running car which the girl suffered from as a possible focus; and he said that in such a case death had come about when the patient was pushing a bicycle up a hill. Well, you have to consider whether that caused death in this case, the case of a young woman who had been playing in theatrical productions for more than eighteen months, acting every night apparently with no ill effect at all.

Then Professor Webster goes on to assume that she had asthma. I submit that neither Professor Webster nor anybody else has any right to make any such assumption. If she had had asthma there would have been a record of it in her A.T.S. medical history sheet, and, as you know, there is no such record. Mike Abel spoke of her complaining of a pain in the left shoulder and arm. As Dr. Hocking said, you can find that in any book which gives the symptoms of heart trouble, angina pectoris, and so on. But can you really say that it is likely that she died of angina pectoris without any evidence of any previous attack, and on that point Professor Webster agreed that it was most unlikely that she died of such a disease without having had one or more attacks previously. I ask you to say that the defence theory as to the cause of death does not

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take you very far But it does emerge from this evidence, and it is good to know, that the defence had every chance that they wanted, and if the evidence had existed they could have got it from medical men or from hospitals—they had every chance, but this is the only evidence which they can bring forward I ask you to say that this death, being entirely consistent with death by strangulation, ought to be found by you to be committed in circumstances which amount to murder

Why did the prisoner go to her cabin that night, suffering, as I suggest, from pique? "I have got a bone to pick with you, and a big one at that" I ask you to say that on every point where you can test the story of the prisoner you find him to be an untruthful man and a most unreliable witness He said that the girl told him she might be pregnant, but it was too early for her to know According to Miss Field, and you remember that witness, a truthful witness, a good type of woman, she said, "Camb told me she was three months pregnant by a married man"

Why did he go to her cabin? He had never even kissed her before, according to his own evidence But, says my learned friend, this girl was the sort of girl who would have succumbed to the prisoner's embraces, the sort of girl it would be easy to sleep with Well, members of the jury, you get the evidence—if I can dignify it by using such a term—of Mike Abel, telling you how she was infatuated by a man called Braun, and how she was discussing sex with a much older woman, Dr Schoub What young girl of twenty does not want to talk sex? But you may think that she had been purely brought up and if at the age of twenty-one she was discussing sex with Dr Schoub, a professional woman, you may probably come to the conclusion that she was entirely innocent. "I am proud to have been her mother," said Mrs Gibson And when you are considering what kind of a girl she really was do not forget that Dr Schoub said she had found her to be a nice, charming girl Let that be her epitaph "A nice, charming girl" When she was in the A T S she had an unbroken record of attention to duty, not being off duty one day in 1946 Do not forget that she had the promise of being a very good actress, and her record is a credit to the Service she was in

What evidence is there that she resisted the prisoner's advances? The only evidence that there can be is that she rang both bells, the prisoner has seen to it that there is no other evidence, he has seen to that What happened that night in Cabin 126? You have only got one living witness to tell the tale, and that is the prisoner, and I submit that at every stage where you can check his

## Closing Speech for the Prosecution.

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evidence you find him to be an untruthful witness, lying to save himself. For seven or eight days, that is, from 18th October to 25th October, until seven o'clock on the evening of the 25th, he said he was never in that cabin at all, and could not account for the girl's disappearance. He then said that when he got there she was sitting up on the bed drinking a glass of rum. Members of the jury, I submit that that is not true; no empty glass was found there at all, no glass which could have contained rum. Miss Field was strongly cross-examined by my learned friend on that and she said, "There was no empty rum glass there in the morning; I am quite certain of that." He said that he was lying on top of her, having sexual connexion with her when she died. You know that to be untrue because of the terminal act of her life, the evacuation of the bladder, the contents of the bladder went on the sheet, and not on Camb, and it made a mark 15 inches by 9 inches on the sheet. He said she did not object to his advances, but there is a silent witness which gave the lie to that, and that is the two bells which she pressed. He said he had access to her body in the intimacy of sexual connexion. In my submission that is proved to be untrue because she was wearing pyjamas—she must have been—for the next morning those pyjamas were missing from her cabin, and for a very clear reason, they were thrown out of the cabin through the port-hole on her body—she must have been wearing them. If he had access to her body he would have known that she was wearing them. He has no explanation of that at all, and I submit that his statement that she was wearing nothing underneath her dressing-gown is a palpable untruth. He has no explanation to give of the ringing of the bells. I submit that wherever you check this man's story you find it to be untrue.

He says he threw her through the port-hole in a panic. He did not realize he had only got to choose his time and walk out of that cabin leaving her there having died a natural death. Did he panic? Panic! Do you think he is the sort of man to panic? Members of the jury, did you notice him in the witness-box last Saturday? The greatest ordeal that a man can undergo, giving evidence on a charge of murder, is being cross-examined. Did you see any sign of panic at all? Did you see any lack of poise, or composure, or full control of the thinking faculties? I submit that that was not panic, members of the jury. You can be quite sure that whatever Camb did when he put that body through the port-hole it was not done out of any feeling of panic; it was nothing more and nothing less than an act inspired by cold calculation induced

## James Camb

Mr Roberts

by a desire for self preservation, to destroy the whole of the evidence against him

He said he thought she fainted, and so he applied artificial respiration. Do you believe that? Have you ever heard of anybody applying artificial respiration in a suspected fainting fit? What would you do if a woman fainted? What would anybody do who had any sense at all? Administer water, or brandy, if he was not man enough to send for the doctor? "I thought she had a fainting fit and so I applied artificial respiration for five and twenty minutes." Did you ever hear such a story? Of course he did not apply artificial respiration. No man in his senses would think that would be a good restorative for a fainting fit. I ask you to say that that is an untrue story, but it is a matter entirely for you. There is yet another fact of importance to set against his story. That girl, according to his story, was said to be having sexual intercourse with this man with her consent. She had been provided with a contraceptive in South Africa, possibly in order not to take any risks. But she was not wearing it. Does not that again refute the story told by Camb?

Members of the jury, I have said nothing at all about the evidence of Plumley. You heard him give evidence as to the statement which he says Camb made when he and Camb were alone. It is for you to say whether you accept it. If you have any reasonable doubt about it then you will not accept it. The case for the prosecution does not depend upon that at all. It depends on the circumstances through which I have gone, the astonishing disappearance of this girl through that port hole, with every sign and common feature of death from strangulation present, his lies, telling an untrue story for a week until the prisoner feels that it is useless to persist in that story, and so he tells another one. That, coupled with all the circumstances which I have just detailed to you, I submit, shows that he is not telling the truth. Members of the jury, you have got to do your duty, as we all have to do in this case. If after considering all the evidence which has been placed before you you have any reasonable doubt you will be pleased to give the prisoner the benefit of it. But if you have no reasonable doubt you have in the interests of justice to return a true verdict on this evidence whatever the consequences, and I submit to you that the verdict here which is consistent with justice, which is consistent with fairness, which is consistent with right as between man and man, is a verdict that this murder has been proved, and that Camb should be found guilty.

# Charge to the Jury.

## Charge to the Jury.

MR. JUSTICE HILBERY—Members of the jury, it is impossible to overlook the fact that the proceedings before the magistrates, and also these proceedings here, have been selected for unusual notice in the press. You must have read a great deal about it before the unexpected thing happened to you, and you found yourself called into that jury-box to act as judge in this case. You must divest your minds, as I am sure you will, of any sort of pre-conceived notions or opinions about it, remembering that when you entered that jury-box—called into it as any citizen may be—you took an oath to determine the matter according to the evidence. If you have observed the procedure here you will already have realized what is indeed an essential fact, that is, that you, the jurors, determine the matter in question; you are the judges. I do not determine the guilt or innocence of the prisoner; that question is answered by the verdict of the jury, and the jury alone are the judges. And for hundreds of years juries in this country have discharged that duty, the highest duty that a citizen is called upon to discharge, without fear, and without favour, and never shirking their responsibilities. In discharging that duty I want you to remember above all things, as this is a capital charge, that your province is to act as judges, and to determine coldly, impartially, without regard for any consequences, the sole issue, which is whether this man is proved to be guilty or not.

In determining that question you must remember that you must not allow other considerations to sway you; for instance, if at the end of your deliberations you should be satisfied that this man is guilty of murder (and be assured that I am not in any way directing you that you should), you must not, if that is the conclusion you come to by the evidence, and using your common sense and knowledge of the world, allow such sentiment as sympathy to sway you; no question of mercy arises for you, indeed, it does not arise for me; in such a case that is not for us, nor must it influence us. If, of course, on the whole of the evidence, you are not satisfied that this man has been proved to be guilty of murder your duty then would be to say, Not Guilty. On the other hand, if you are satisfied that he has been proved to be guilty of murder your duty will be to say, Guilty. Whatever your verdict may be it has to be your verdict individually and collectively; the verdict, whatever it is, must be the verdict of you all.

Now, that being your function, what is the principle to be applied? I regret that I should have to say it again. It has been

## James Camb.

Mr Justice Hilbery

said time and time again with perfect correctness by the learned counsel in this case, and I dare say I shall not be able to express it as aptly as they have done, but the golden principle is this. It is for the prosecution to satisfy you by the evidence of the guilt of the accused of the crime with which he stands charged. If, at the conclusion of all the evidence, that for the prosecution and that for the defence, you are not satisfied of his guilt, but are left in reasonable doubt—reasonable doubt—well then, the proper verdict is Not Guilty, because under our system it is for the prosecution to satisfy the jury of the guilt of the accused, it is not for the accused man, in any criminal case, to prove his innocence. Of course, if the evidence for the defence has satisfied you of the innocence of the defendant there would be no doubt in your minds that the proper verdict would be a verdict of Not Guilty. There is the golden principle, and you will apply it.

What is the degree of proof required? It is such proof as would satisfy you in any matter of high consequence in your ordinary domestic or business affairs, such proof as would make you say in such a matter, "I am satisfied that it is so and so." If the proof falls short of that you are not satisfied, and the proper verdict then would be a verdict of Not Guilty.

Now, let us turn to see what the charge is. The charge is made in circumstances which are unusual. The charge is murder, and in nearly every case of murder there has been found a dead body, the dead body of the person who is said to have been done to death. Here the first question you must ask yourselves (since murder is a felonious killing, "with malice aforethought," as the old phrase was)—the first question you must ask yourselves, since nobody has seen that young woman Gibson alive after the accused saw her in her cabin in the early hours of the 18th of October last year, "Is that young woman, Eileen Isabella Ronnie Gibson, dead?" The photograph which you have before you was identified as a photograph of that young woman who occupied Cabin 126 in the Union Castle liner *Durban Castle* on her homeward voyage from Cape Town to Southampton, and that vessel left Cape Town on the 10th of October. That passenger was identified as a passenger on that liner, occupying Cabin 126, and she has been identified by her mother as Eileen Isabella Ronnie Gibson, her daughter. And the direct evidence which you have in the case is that after the accused left her cabin that morning she was never seen again. You have the evidence of the defendant himself, evidence which you may think adequate, that he put the body of that poor young woman through the port hole of that ship into the shark infested

## Charge to the Jury.

Mr. Justice Hilbery

waters off the West Coast of Africa in the early hours of the morning of the 18th of October, in fact, shortly after three o'clock in the morning. That should satisfy you, should it not, that the girl who is said to have been murdered is in fact and in truth dead? She was alive, Miss Field told us, when she was dressing the evening before for dinner; she was then a gay and happy young woman; yet by three o'clock in the morning she was dead, and her body being stuffed, ignominiously bundled, through the port-hole—you may think to hide something. And the question is, "What?"

Now you have heard the evidence. There is very much, is there not, members of the jury, that we need not go over again: the earlier matters that evening, they are of course of some importance, but you may think of relatively trivial importance until we come to the crucial time. Now, before we come to the evidence together let us see if we can in a few words summarize what are the two suggestions put before you—one more than a suggestion—the two accounts, that are put before you. You see, members of the jury, when murder is done it is rarely done with a crowd of witnesses; it is generally done in secret. There are generally two persons who know at the instant what is done, one the victim, who can no longer speak, at any rate with the tongue, though the victim's body can often speak dramatically and terribly; and the other is the person who is said to be the murderer. From the very circumstances you observe that in most cases those who have to decide whether murder has been done or not must see what facts are revealed by the evidence, and then must make the rest a matter of deduction from those facts. The facts may tell you much. Bruises deep in the tissues of the neck, revealed by post-mortem examination, may indicate strangulation; but it is a question of deduction as to whether the death was caused by strangulation; it may be largely a matter of opinion. On the other hand, of course, the person who is alleged to have been the murderer, and who may state that he was the person at the time with the victim when the victim died (if victim it was), is in a position to make a direct statement about it; but the dead person cannot. You will, therefore, members of the jury, not be surprised to see that the prosecution here put before you circumstantial evidence, and invite you to say (and it is for you to say whether it is right for you to say it in the circumstances) that the only reasonable deduction to be made on those facts is that this man strangled that young woman and then disposed of her body for fear that that body, when examined by experts, when subjected to a post-mortem

## James Camb

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examination, would show that death was due to suffocation caused by strangulation, that that body would bear indelible signs of that, which, coupled with the fact that he was the only person with her when she died, would make a case which was beyond explanation, and when it was also in evidence that just before she died she had rung a bell or bells to call help (if the jury take the view that just before her death she had rung those bells)

You will probably think it right to ponder more than once, and to decide at the earliest on the evidence whether you are satisfied that young woman rang those two bells for both stewards. You may think it highly important to decide that for yourselves, because of the arguments which have been addressed to you on that issue by both sides. The accused man says he did not ring them. There was only one other person present there, and that was this poor woman, now dead. Did she? Do you think, when you remember Miss Field's evidence, that it was quite difficult to get between the dressing table, and the bed? Do you think he could have inserted himself between the bell end of the bed and the dressing table so as accidentally to get against those bells and ring both of them? Because on that, members of the jury, you have heard his evidence about his movements, first, according to him, seated upon the bed, then climbing upon the bed, then lying down beside her, and finally getting on top of her, and afterwards trying artificial respiration, massaging her stomach upwards and trying to restore respiration, but in all that description never did he admit that he was ever anywhere near the bells.

You may think, members of the jury, that it is clear that neither by design nor by accident did he ring the bells. It was vital to him not to be discovered in that cabin, the cabin of a woman who had just died from perfectly natural causes, you may think he was the last person in the world who would have wilfully rung those bells. Do you think it is shown that she rung those bells? Because if so, you may then think, "We must pause to ask ourselves, did she do it by accident, or did she do it by design?" What evidence is there that there was any accidental ringing? If the accused's story is true what were the incidents which took place prior to her death? Because, according to him her right arm, which would be on the side of the bed nearer to the bells, was round his neck and her left hand was resting on his right arm and he said, "She suddenly heaved," and she died and went limp. You can imagine, can you not, the dropping of her arm (if that be true) ultimately to the side, or possibly over the edge of the bed but there is not a tittle of evidence that her arm was flung out to the





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*(From a Painting by William Dring, A.R.A., Exhibited at National Society of Portrait Painters' Exhibition of 1948).*

## Charge to the Jury.

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head of the bed reaching out to press those two bells. I put that before you because you may think it right to see what can be eliminated as to the ringing of the bells, because it is impossible to over-emphasize the importance of your decision on this first point.

How, then, were those bells rung? Is there any other alternative left, than that she rang them, wanting to ring them as a voluntary act? Members of the jury, I am perfectly certain it does not need me to say to you, if she did that, of course you will ask yourselves, why? Then again, you will ask yourselves, "If she did it, can the account given by this man be true?" Can it? In short, his account is that she was willingly participating with him in the act of sexual intercourse in her cabin at that time in the early morning. According to his account she had received him into her bed willingly, without the least objection, and normal intercourse was taking place when she died. If that story was true she certainly would not—would she?—want the attendance of the steward or the stewardess; she would not have wanted anyone to come to that cabin in those circumstances any more than did he. And so I venture to say to you that it is of first-rate importance that you should consider how these bells came to be rung, at that unearthly hour of the morning, in Cabin 126, and were heard by the night watchman on the deck below. There is no doubt that the bells were rung, and there would appear to be no possibility that they rang by some mechanical fault, because the circuit from that cabin was in perfect order, according to the ship's assistant electrician. That has not been challenged, or that the bells were rung, and in giving his evidence the accused said, "I do not know how the bells came to be rung." Well, it is for you to ask yourselves, "Does he know?" Because, members of the jury, you see, he says, "I quite definitely tell you a true story about this matter, and it is simply that I, the deck steward, went to this girl's cabin; I had made a statement to her, I had said to her: 'I have a good mind to bring your drink down myself and bring one down for myself and join you'; and that in reply she said, 'Please yourself about it.'" And he admitted that he had had it in his mind for that to happen which did happen, sexual intercourse, according to him. He says that he went to that cabin at that hour for sexual intercourse, to have sexual intercourse with this young woman.

He assumed (he did not say she had told him she would fall in with his wishes) that she would be willing. What evidence is there here that she was in any way willing? We have here nothing which would suggest even a flirtation between these two people previous to that time; no flirtation, or any amorous passages.

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Mr Justice Hilbery

"But," he says, what happened was that everything went exactly as I had hoped and anticipated, and she suddenly died in my arms " I should have added that he says "It never occurred to me to run from the cabin, as I did later, and slip back to my quarters leaving the girl who had died in my arms to be found later as a person who had died from natural causes I was in a panic, and I knew if I was found there I should have broken the rules and regulations of the company by being in a passenger's cabin, and especially a woman passenger's cabin at night, and it would certainly mean that I should get the sack, and so I put her body through the port-hole

Well, it is entirely for you, members of the jury That is his story in short What the prosecution say to you is this It does not account for the bells being rung, and if the bells were rung by the woman, and if he did in fact dispose of this body deliberately, is it not clear that, if you find pieces of evidence on the sheets which show that that woman certainly could have died from strangulation, he went there and made indecent overtures to her which were resented by her, and was it not she who rang the bells to summon help? Had he not the strongest motive in the world for making it impossible for her to testify against him, angry with her because of balked passion, apprehensive of her because she might report him for being there and making sexual overtures to hers? So he had anger, apprehension, and thwarted lust to prompt him to violence, and say the prosecution, it is a reasonable deduction that he strangled her and put her body through the port hole so that it could never be found and so could never give evidence against him, the reasonable deduction, they say is that he turned upon her and strangled her when she rang the bells, that was before she passed out

Then, within a minute or so, a knock came on the door, and the door was opened, but it was instantly slammed in the face of the person who was about to come in, the man inside saying, 'It's all right' And the prosecution ask you to say that the reasonable deduction is that you ought not to be convinced by his story Well, that is for you, there is the real question

Now, what is said in the evidence? We can group it quite shortly The story that is put forward by this man was put forward in his statement made a week after the event, and after he had maintained continually that he had never been in her cabin that night I should remind you of what the prosecution case is, about the circumstances in which the accused came to make that statement He was interviewed by the police when the vessel

## Charge to the Jury.

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arrived in Cowes Roads. Previously he had stated to the captain that he had never been in or near Cabin 126 that night (he did not know that in fact Steer had recognized him in the cabin), and you will remember that the prisoner said that he was convinced that he had not been recognized.

Pausing there a moment: it will not have escaped your notice that if he was satisfied that he had not been recognized by the person who had come to the cabin, but that all that person knew was that a man was there, what could there be to connect him with being that man if he had not been recognized, so what necessity was there to do anything but to slip away from that cabin back to his quarters? What was said by Mr. Casswell about that was, "Look at the risk in returning to his quarters at that hour of the night, somebody might have waked up and recognized him; or somebody might have waked up and missed him from his quarters." Well, according to his own evidence, he was away from his quarters until some time after three in the morning, and nobody has been called from his cabin to say that he noticed it, or noticed it as anything unusual. If he had been away from his quarters until three o'clock do you think there would have been anything very remarkable about him going back to them soon after three? Of course, if anybody knew that three o'clock was the vital time there might be danger if anybody had seen him slip back into his quarters soon after that time. But did he not do so? He went back to his quarters, and there he was in his bunk in the morning, and that witness who shared the cabin told you he saw him there, but he did not see him come in; nobody in the cabin appears to have heard or seen him come in.

If he was convinced, as he says he was, that he had not been recognized as the man in the cabin, would not his instinct have been to flee from the scene, leaving the dead woman, strong in his being innocent of any act which had caused her death, and thinking of only one thing, that is, not being found out as being the man who had been in her cabin? Now that story of his you have to examine, and examine most carefully. The origin of it we know, or, at any rate, the time when it first appeared, that account which he gave of the incidents in the cabin. There had been a long day of inquiries; the police were questioning people; they had seen a number of people on board the ship; they were questioning them all closely, and the ship was the scene of great business. So they moved this man for further questioning over to the police headquarters in Southampton. He had persisted in his denials, denials that he had ever been in that cabin that night.

## James Camb

Mr Justice Hilbery

I have not counted them, but I think that Mr Roberts said that down to the time when he gave his statement he had on six occasions lied about not having been in that cabin on the night of the 18th of October

Then Detective Sergeant Gibbons, who was acting as inspector, and so for the moment was a superior officer to Detective Sergeant Quinlan (who had, with Plumley, been conducting the inquiry), went and said to the prisoner, "Now let us review the circumstances and see what your position is." You see, the police officers are there to make diligent inquiry into allegations of crime so that you and I may go about our lawful occasions unharmed by criminal activity, so it is their duty to try diligently to inquire and find out if they can where the guilt lies where some crime has been committed, or it is thought may have been committed. And Sergeant Gibbons told you how he reviewed the evidence which the police then had, and, amongst other things, he told him that if it could be conclusively proved that not only had he been in that cabin that night, but that afterwards Miss Gibson had disappeared, and if scientific evidence should prove that her body had been put through the port hole, he could realize what an inference could be made, so that repeated denials of his presence in the cabin would make it the more difficult for him if at any time he decided to give an explanation of his presence there. The officer also reminded the prisoner that there were scratch marks on his hands or wrists, and he went on to say, "You must realize that the time is fast approaching when some decision will have to be made regarding you. You are being given an opportunity to make any explanation you care to about this, and that explanation, so far, has been a categorical denial that you know anything about the disappearance of Miss Gibson. If, as I have previously said, we are in a position to show that you were the last person with Miss Gibson, and you were in her cabin at three o'clock in the morning, and that Miss Gibson disappeared while you were there, you may find that such a complete denial will be difficult to explain if later you are called upon to explain it." That is what Sergeant Gibbons said to him. Having seen him in the witness-box, you may have formed an opinion about the accused. Did you think that he was a man who had his wits about him? Would you say he is not the man to be easily rattled? What was his response to Gibbons? "Does that mean that I murdered her and that I shall be charged with murder?" You will remember that only a moment or two before Sergeant Gibbons had told him that the time was approaching when a decision would have to be come to, so he says "Does

## Charge to the Jury.

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that mean that I murdered her, and that I shall be charged with murder?" Gibbons replied, "At this stage I cannot say whether you will be charged or not, but I am sure you will realize this. that particularly in the absence of a body, we have to give great consideration to any explanation which you might put forward. You may be able to give a reasonable explanation of the cause of her death and her disappearance. If you should later decide to make such an explanation the acceptance of it will not be made easier by a continuation of the denials you have made up to now." It was then that the prisoner said, "You mean that Miss Gibson might have died from some cause other than being murdered, she might have had a heart attack, or something?" Gibbons went on to say to him, "I am satisfied that you, and you alone, were with Miss Gibson in her cabin, and you are the only person who can give an explanation of her death and disappearance. In your own interests you must consider what I have told you. It is for you to decide whether or not you want to make an explanation, and, if you do, you may feel that this is the appropriate time to make it. I am going to leave you with Sergeant Quinlan, but before I do that I want to be sure that there is no doubt in your mind of the circumstances in which you are placed." Gibbons then left him, and it was just after that that the accused made that written statement, Exhibit 24, which has been before you, and which has been read to you more than once and which sets out the story which, with elaborations, he has given in his sworn evidence before you.

The prosecution ask you when you approach his evidence to remember that those were the circumstances in which that statement came to be made. If there is denial after denial, and only when that intimation has been given by Sergeant Gibbons, that intimation about the position he is in, that they can show that he was in that cabin, and was there with her, and that there was scientific evidence which might show that her body was put through the port-hole, and that he was the only person there, and so the situation might be very awkward for him, and when it is pointed out that he is the only person who can give an explanation of how she came to die, and how her body disappeared: it is then (and the prosecution call your particular attention to the fact) that he says, "You mean that Miss Gibson might have died from some cause other than being murdered, she might have had a heart attack or something?"

He has told you that he went to that cabin at three o'clock in the morning. Have you any doubt that he went there expecting to have sexual intercourse with Miss Gibson?

## James Camb.

Mr Justice Hilbery

Mr CASSWELL—According to him, my lord, he went there at two

Mr JUSTICE HILBERY—Yes, that is true, he said two. Of course he went there at three or before, and if these incidents took place round about three o'clock he went there before. He says he went there at two in the morning, and he says that she died in the way he has described. Now, we have had the evidence of Dr Hocking and Dr Teare and Professor Webster. They have seen that statement of the accused, and they have read the depositions, and what is first said to you is, 'Well, this young woman could have died from natural causes and displayed at the moment of death the symptoms which we find present on the occasion of this young woman's death.' And they refer to the evidence found in the bed. It is said that she was asthmatic and that would affect the heart. She had an affection of the ear which might have been a septic focus, she showed symptoms of defective circulation such as the lips being bluish and the nails being of a muddy colour. And then it is said, 'The things which we found here are things which can be present at the moment of death from natural causes,' and Professor Webster summarized the possible kinds of death from natural causes that might have been the cause of the death of this young woman. One of these possible causes, he said, was the bursting of a congenital aneurism on the brain. That, of course, is something which might happen to any person at any moment if it happens that they have an aneurism on the brain, with which they were born, and that is said to be a condition which is undiagnosible prior to death. Well, if that were the case, or if anybody was putting it forward seriously you will consider it, indeed, it is for you to consider seriously all the evidence.

Then, of course, there is the evidence about whether she had ever had asthma or had had bluish lips or muddy nails, or had hysterical fits. But those symptoms would not be present at all if she died from the bursting of a small congenital aneurism because Professor Webster told you that that is undiagnosible beforehand. It is entirely a matter for you but do you think in all the circumstances of this case you can safely eliminate that? 'It is possible,' says Professor Webster, and he puts it before you because it is possible, it is a natural death which would be attended by symptoms, flecking of blood in the saliva, and the terminal act of urination. But do you think that there is really the least evidence that you can act upon to find that that was the cause of death or

# Charge to the Jury.

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that there is the possibility of it being the cause of death here introducing into your mind a reasonable doubt? If it does, that is enough, for the reasons I put to you in the first place.

Professor Webster mentions heart disease, either direct or indirect, as a possible cause of death by natural causes. He said that whilst rather rare in young people direct heart disease due to an infection of the heart vessels even at this age is not unknown, and he said that that type of death can give frothing at the mouth, a voiding of urine, and clutching of the hands. Well there again, Professor Webster is putting before you, quite rightly, another possible cause of death, but he agrees that it is a cause of death which is rather rare in young persons. Then Professor Webster mentioned the case of failure of the heart due to the effect of some septic focus elsewhere in the body, and he said that these deaths from indirect heart failure are more common, they are not so rare as death from direct cause in young people. "Here," says Professor Webster, "is a point of septic focus, namely, the chronic running ear," and he said that such a septic focus had been known to bring about a general poisoning of the heart muscle, and cases had been known leading to sudden death during effort. That, he said, was due to the poisoning of a special feature of the heart, namely, the Bundle of His; he explained that the muscle is enclosed in a sheath, and then where poisoning from a septic focus takes place the sheath is swollen by the poison and the muscle is thereby strangled by the sack or sheath which contains it. Those, he says, are possibilities of the way in which the patient might have died.

Then he says that if the patient is asthmatic there might be a secondary condition of the heart, which might then give out under strain or during intercourse, and death so caused might give rise to blood at the mouth, voiding of the urine, and clutching. Then he said, so far as violent death is concerned, death from strangulation is a possibility, and he said that what is found here were features of such death, he said he could not rule out the possibility, and Dr. Hocking agreed. They agreed that the sequelae of death by strangulation appeared here but they said further that you could not say that these are more consistent with strangulation than with these other natural causes of death.

With regard to asthma Professor Webster said that it was very rarely itself a cause of death, but the heart might stop beating from a secondary condition of the heart resulting from asthma, and the pain which it was said that she felt down her left arm could be and is often a symptom of coronary heart trouble which you and I know as angina pectoris. I would remind you, members of the



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jury, that there is only one piece of evidence that this young woman ever had a pain down her left arm, and it comes from that witness who has been brought from South Africa, Mr Mike Abel

Well, there are Professor Webster's views, and the other doctors say in substance (as he does) that these things which were found could have been caused by death from natural causes. Dr Hocking said that he had found in the top sheet a stain of dried urine, with no blood in it, but cells which would come from the female genital organs, and you may think it is quite clear from the evidence before you, and you may have no doubt, at the moment that death came upon her, this poor woman's body did void itself of the urine in the bladder, and Dr Hocking agreed that that is a common feature in death from strangulation. So that is one way in which those marks could have got there, from death by strangulation. Another feature is the blood and the saliva. Dr Hocking said, with regard to the urine stain, "I think the presence of urine shows almost certainly that the deceased was dead when, or immediately after, that happened, that was a terminal act." He said further that the circumstances are also consistent with death from natural causes in certain circumstances.

Now we know what the circumstances are, and they have been set out by Professor Webster: the bursting of a congenital aneurism on the brain, direct heart disease, rare in the young, indirect heart disease, more common in the young, and heart failure in an asthmatic patient. Dr Hocking said that blood in the saliva was less likely if death is instantaneous from pressure on the windpipe, it would also be instantaneous from heart failure. In heart failure you would expect the trouble to go through an incipient stage before the actual crash occurred, that is, before the final and fatal failure.

Then you also had the evidence of Dr Teare, a man who is greatly experienced in these matters. He said that if the throat was firmly squeezed it would probably be not more than fifteen seconds before unconsciousness supervened, and the victim thereafter, if the pressure were continued, would probably die within one minute. You may think, members of the jury, that that is very important, because it was at two minutes to three, or three o'clock, that the bells were rung in the pantry in the deck below Cabin 126, and it has been said by the naval architect that it would take one minute and three seconds to get from the pantry to the cabin. If immediately the bells were rung that girl's throat was pressed wilfully by the prisoner, with the intention to silence her for ever, according to Dr Teare she might have been dead within a minute,

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Mr. Justice Hilbery

so that by the time the night watchman arrived at the door she might well be dead and silent, unable to make a sound when somebody pressed that door open in answer to the bells. She made no sound. Steer has told you that no sound came from that cabin except from the man who pressed the door to in his face, at the same time saying, "It is all right." If she had been conscious or alive at that time, and if she had rung the bells, do you not think there would have been a scream from the bed? There was no such scream.

Dr. Teare went on to say that the smears of blood were not too small to be due to death from strangulation, and he said further that blood mixed with saliva would be consistent with death having been caused by strangulation. He was asked by the defence if the things found on the sheets were not consistent with death during sexual excitement, and he said, "I feel that what was found is more consistent with death by strangulation," and he added, "Death from strangulation in my experience is frequently accompanied by involuntary discharge of urine at the moment of death, and one inquiry I made when I was approached about this case was whether any evidences had been found of the presence of urine, and now I know of the presence of urine being found it considerably strengthens my opinion that death in this case was by strangulation," and he added, "It is common to find the victim scratches the assailant in the death agony." He was asked by the defence if he could say that the things found here were any more consistent with death from natural causes than strangulation, or that one conclusion was any more likely than the other, but Dr. Teare was quite sure that what was found here is more consistent with death having been due to strangulation.

Now, members of the jury, what is said about her health? The officer who came from the Auxiliary Territorial Service who spoke of that incident in London placed the incident at a time when the evidence of Mr. Dalby made it difficult to believe the girl was in London. I asked Professor Webster about the symptoms which that officer said the girl appeared to be suffering from on that occasion, and he said that the symptoms were consistent either with tetanus, or poisoning by strychnine, or they might have been due to hysteria. Professor Webster thought they would be hysterical, and as she had complained of a pain in the chest he thought that was consistent with heart pain, so he suggested that the hysterical attack might have been precipitated by some form of heart trouble. There are many reasons for a person getting pain in the chest other than heart disease, and you may think that whatever else there

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might have been about this girl you may possibly think that she was prone to hysterical demonstrations, and you may possibly also come to the conclusion that the incident in London was some hysterical demonstration precipitated by pain round the heart

Whether you can derive any help from the evidence of that man Mike Abel, is for you and not for me to determine, it is for you to say if you can place any reliance upon his evidence. If you can arrive at one conclusion more than another from all that evidence, is it not that she was very inclined to be hysterical, and also, you may think, *inclined to romance about herself, to dramatize herself, and to tell untruths about herself possibly to excite sympathy or interest?* If Mike Abel is to be believed she was inclined to represent herself as having parents who had been bombed, and brothers who had died on service in the Royal Navy. Those statements were untrue. In fact she introduced her mother to this very man. In any case, do you not think that the evidence given by him indicates that these attacks which he spoke of were very likely hysterical in their nature?

(At this point his lordship noticed that one of the women jurors was feeling the strain, and showing signs of distress, so he broke off for an interval of twenty minutes. On resuming, the judge asked the juror if she felt prepared to go on. She assured him that she was.)

Well, members of the jury, when we broke off I was discussing with you the evidence concerning the health of this girl given by the witness Mr Mike Abel of South Africa. Compared with that, it is important to see what evidence you have had as to the real health of this girl. That evidence from South Africa was produced before you because it has been suggested by the defence that she was asthmatical, and then you have had medical evidence to show that asthma may have a secondary effect upon the heart, and an affection of the heart might be set up by asthma, so that she might be likely to die just as the accused says she did die. I do not know what view you take of any of the witnesses, but what you think of the witnesses and of their evidence is entirely your concern, and not mine. I may take certain views, but you are not to be influenced by any view that I may take, or any opinion that I may seem to express, the consideration of the evidence is your concern, and the verdict upon it is yours and yours alone. It is a most unpleasant task that has to be faced in the interests of justice, to take about, as it were, to find things discreditable about a person

## Charge to the Jury.

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who has died in tragic circumstances in the full flush of youth. The question of health has nothing to do with discredit to her, but it is difficult while considering evidence about her health not to bring in for consideration evidence about her character, because, to some extent at least, some of it overlaps. It is said, you know, that she was coming back to this country pregnant, that she was an unmarried young woman who was pregnant. It is said, or hinted, that she was constantly in the company of men, though why that should be regarded as a disreputable thing of itself I do not know. It is said that she was pregnant, and that, as I understand it, had two aspects which make it important; one because it is suggested that she was a young woman of such loose morals as to be willing, on the first overtures of a deck steward, to receive him willingly into her cabin at night, and that after a mere week's acquaintance, without the least sign that she had shown him that she was in love with him (if one may misuse that word as it is so often misused), without the least sign that he had excited a sex appetite in her. But it is said that her conduct in South Africa (according to Mike Abel), and her supposed pregnancy, go to show that she was so degraded a young woman that she was willing to have a deck steward come into her cabin at night for the purpose of having sexual intercourse with her.

The other significance of it is said to be that not only was she willingly participating in an act of sexual intercourse, but a contraceptive was found in her luggage, and if she was pregnant, then the harm (as it is called) had already been done, and so there would be no sense in her employing that device on the night in question; but if, on the other hand, she was not pregnant, the presence of that contraceptive, not put into use, but left in her luggage, would strongly indicate, you may think, that she had not anticipated a visit which would lead to sexual intercourse. If a young woman has armed herself with a contraceptive against the risk of conception, in case she indulges in sexual intercourse, and if she has waited in a dressing gown, with nothing on underneath it, for the man with whom she expects to have sexual intercourse, it is hardly likely or conceivable that she would not be wearing it at the time.

And so it is important to see what evidence there is about that, and of course it overlaps the evidence about her health. About her health what is there except the suggestion that she was asthmatic, and had some difficulty of circulation which might indicate a heart weakness? But you know what doctors say about direct heart disease, that it is rare in one so young as this girl was. Then you know that it is said that there might have been a secondary affection

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of the heart through the asthma but what evidence is there of that? You get this man, Mike Abel, who has been brought over from South Africa, having been discovered by the solicitor for the defence when on a visit to South Africa in search of evidence which would support in some material particular the account of this affair which is given by the accused. And, being called, he comes here to relate to you that he met her first at the end of July or the beginning of August, and he knew her until the 20th of September—something like six weeks. He tells you that he was seeing her over a period of roughly six weeks, and all that time she was hard at work, they were rehearsing for a new play, "Golden Boy", she was doing broadcasts, and the witness Gilbert told you she was broadcasting more than once a week, and you must know enough about these things to be aware that broadcasting itself calls for rehearsal like every other show, so you may think that she was really a hard working young woman.

He tells you that after rehearsals she told him about herself, that she had come to South Africa for her health, that her parents had been "blitzed," and her brothers killed on service in the Royal Navy. That was all romancing—if it was ever said. We know that at that time her father and mother, and her two brothers were living in South Africa, and there is no question about her parents being blitzed, if we must turn that word into a verb. Then according to the witness she said that she had asthma, and had had attacks in England, and therefore she had come out to South Africa, and then he gave a description of how she threw herself against him in the car, and some froth came from the corners of her mouth and on the lips were slight blood stains. Now, have you looked at that photograph of that young woman, because if you have you will be able to form your own opinion as to the extent to which she used lipstick, and that would seem not to be distinguishable from blood, but Mr Mike Abel was able, notwithstanding that display of cosmetic, to notice that the lips were all flecked with blood colour, behind it I suppose. Then he told you that she seemed to get irritated with him. To start with, he thought she was a very sweet girl, one to whom it was a pleasure to talk, and then suddenly, without any reason, she would start laughing and crying. Well, members of the jury, using your own experience, what is that but hysteria? Are not those symptoms the common places of hysteria?

Then he told of how she had on two occasions kicked him, and then had kissed him, and that all took place in the presence of other people. Well, members of the jury, what is common conduct

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among young people of twenty or so in these days? Does the fact of a girl kissing a man in the dance room amount to much? And as to her kicking him, well, as has been already said, it might be thought that he deserved it. What do you think of it? He says, "I did not see her faint at my house, but more than once she went out into the garden and fainted." Now there is evidence that at these parties the people were drinking, and it is said that on one occasion she went out into the garden and Mr. Gilbert said she had drunk excessively. He said, "She did drink excessively at times, and more than twice I smelt her breath at rehearsals, and I asked her if she had been drinking, and she said that she had only had a few gins." As to what that amounts to, you will use your own experience. Does it indicate any more than the effect of drinking at parties, and that she went out of the room because of the heat of the room, to get out into the fresh air of the night in the garden? It is said that she was overcome and fell down, and, they said, fainted. It is for you to judge what it all amounts to. Some of you may know what the effect of cold night air, or the cooler air, can have upon a person who goes from a heated room into the cooler air after drinking too much.

He says she told him she was pregnant. He says that on one occasion, when he was taking her home, he stopped the car, and she said, "Mike, I love you," and he replied, "Look here, come on, I am married"; and then she got very excited and fainted. In your view, having regard to the rest of the evidence, was that a fit from a defect of the heart, or was it hysteria again? Do you believe she said, "Mike, I love you"? If her mother is to be trusted, the girl had some very definite opinions about Mike Abel, which certainly would not indicate any degree of devotion to him; she told her mother that he was "no better than a gangster," he mauled her about on the stage, and she disliked him heartily. Of course, it is always possible that at some period something may have happened and she turned and kicked his shins. Well, there it is. Do you think that evidence is of much value? She said she had asthma, she said her parents had been "blitzed," and her brothers had been killed on service in the Royal Navy. And all the time Mike Abel admits she was working hard, and she was so much of a success on the stage that Mr. Gilbert cast her for the leading part in his next production. Could you seriously give a leading part in a new production to a young actress who was suffering from these reputed ailments? Everybody agrees that she was devoted to her work, and from what we have heard she appears to have made a success

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of the earlier production, and the press notices were put to Mr Gilbert

Mr Mike Abel says she told him she was pregnant and asked him if he would let her have £200 to go back to England to go under the care of a doctor, and he said he could not afford it. Mr Gilbert told you he was an actor producer, and he had put her in the leading lady part, and he said that on one occasion after rehearsal, about two and a half weeks after the 10th of September, she went into a dead faint. She had told him that she had come out to South Africa on account of her health, and that she had asthma. She did drink excessively at times, and then there came an occasion when she spoke to him and it appeared to him that she was disturbed about sex. She told him, "I cannot love like other people." She cried, and said she was terribly unhappy. We were told that she was introduced to Mr Charles Svontonski, and also that he had seen her at lunch with a Mr Silver. I do not know why you should be told that she had been seen at lunch with a man, or that at one time she had seemed to be infatuated with a man named Pierre who drove a car in Germany. I do not know why it was said unless it was to suggest that she was a girl who was exceptionally susceptible to men. But here was a young woman who was actively and energetically pursuing a career on the stage, and she is seen at lunch with a man friend. What is there in that to bear on the issue you have to determine here? That does not necessarily prove that she was a woman of easy virtue. But both those witnesses agree that she was a hard working young woman, and no matter what the hours of the rehearsals were she never had an attack of asthma in their presence as far as we know.

Then there was the evidence of Dr Schoub. She said, "I never saw her have an attack of asthma, I only saw that she tired easily and got short of breath." Now, how far does Dr Schoub's evidence go to show that this young woman was pregnant or not? Mr Gilbert says she told him she was—no, I am not sure about that, I have no note of it, I have no note that she did tell Gilbert.

Mr ROBERTS—No, my lord. I think she told Dr Schoub

Mr JUSTICE HILBERY—Yes, however ready she was supposed to be to discuss her private affairs with men, she never discussed that with Mr Gilbert. She told him that she was terribly unhappy, and that she was not able to love like other girls, and that she was troubled about sex. But to Dr Schoub, at a party given at the house, she told Dr Schoub that her periods had not yet arrived.

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and she was worried about it; she was about two weeks over her time. Another thing, Dr. Schoub said that she told her she had had sexual experience. Dr. Schoub being a woman doctor was a person in whom any other woman might have confidence, and might be prepared to share confidences, but was this young woman suffering from asthma which would have caused trouble with the heart so that she might have died in this man's arms in the course of sexual intercourse? She did not tell Dr. Schoub anything about it; all that Dr. Schoub noticed about her was that she tired rather easily when doing physical exercises. Dr. Schoub said that the subject of pregnancy was not discussed later.

Now, do you think that if that girl had once unburdened herself when she feared pregnancy and talked to Dr. Schoub about it, if that condition had progressed, do you not think she would have gone to Dr. Schoub again about it, or do you think that things had righted themselves? Dr. Schoub said most definitely that pregnancy was not discussed later.

Mr. CASSWELL—With respect, my lord, I think there was an occasion, at a party, when it was discussed. I believe Dr. Schoub said it was just before an expected period she said she had had sexual experience and it was mentioned later at a party. "At first Miss Gibson was very gay and then she seemed unhappy and started crying. I took her into the bedroom and tried to console her. She told me she was worried about her pregnancy and was very unhappy. Then Mr. Abel came into the bedroom and I left her with him."

Mr. JUSTICE HILBERY—Yes, but Dr. Schoub said that at that party she said she was over time about two weeks. That appears to have been the same party; it appears to link up. It seems to be one occasion, but, members of the jury, you may think it is two. She said that nothing had happened yet and she was worried about it, and her periods were about two weeks overdue, but she was definite that the subject of pregnancy was not discussed later than that particular occasion when she was two weeks overdue. Well, whether spoken to once, or twice, there it is. You know about the £200 placed to her credit by the man Sventonski, or £300 and her passage being paid, and you notice that her mother knew about it. She told her mother than Sventonski was a very fortunate business man, and he was lucky in everything he touched; he was backing her in her career, and she was coming over to this country with letters of introduction, and those letters have been handed to the



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defence to check if they wish to make use of any of them. Whether they would support any suggestion of the defence has not been seen because they were not used. But these letters are said to be here in Court.

Then she gets to the ship. Camb sees her, or at any rate, after a few days Camb tells Miss Field that the girl has told him that she was three months pregnant. But what has he told you about it? He gave this account of that conversation: "She mentioned to me about somebody called Charles, she said she was crazy about him, she had been going round with him in Johannesburg, and she thought that possible complications might have set in." Of course, we have only his word for this. "I said, 'Do you mean to tell me you are going to have a baby?'" And she said, "It is rather too soon yet to know." I said, "If that is the position why don't you marry the man?" And she replied, "It is not as easy as that, he is already married." Now you observe that. She had spoken of complications. "I said, If that is the position why don't you marry the man?" It is not as easy as that, he is already married." Accepting that what he says is correct, you may think that that shows a degree of frankness in conversation which is surprising seeing that it is with a deck steward whose only duty consists in bringing her drinks or preparing her tea tray which is to be taken to her by somebody else, but does it really take the matter to the point where you feel certain that she was pregnant? Supposing she was, what is the significance of the contraceptive in her luggage? What does it indicate? Does it indicate that this woman was utterly loose? Does it indicate that she was, in the prisoner's phrase, fairly crazy about one man called Charles—you may think Charles Sventonski—or to dignify the relationship, shall we use the term "in love" with him? If you think it means that, do you think that that young woman, if she was deeply in love with one man, will be likely to be inviting sexual intercourse with a deck steward with whom she has only been acquainted for no more than a week? It is entirely a matter for you.

Now that is all the evidence which was obtained from South Africa with regard to asthma or heart trouble. Then you had called for the defence the captain of the Auxiliary Territorial Service who had seen that attack, whatever it was, in London, and then we had Mr Dalby, who spoke of her collapsing on a journey in Wales, when they were travelling in a vehicle along a bumpy road. He said he did not see anything alarming about her condition on that occasion, he said she was very excitable and hysterical. I do not know what you think about it. She had been

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acting at a remote place, they had a long coach ride, and after that there was a party in the Officers' Mess, and they were quite hilarious and everybody was drinking a good deal, some of the young women drinking more than was good for them. On the coach ride they were being thrown about by the ruts in the road, and she came off the seat and was lying in the gangway. Mr. Dalby was called to give that evidence, but do you think that she was really ill, or do you think she was drunk? She fell off the seat and she was hysterical. Was it some sort of hysterical fit?

There is no evidence whatever that she ever consulted a doctor about her health while she was in South Africa; in fact, the evidence is that she was working all the time. The only thing was that she took exercises for the reduction of the size of her hips and she was a little out of breath from the exercise; she got out of breath and could not go on as long as the lady doctor could. As for the attack which she is said to have had one night in London when she was in the Service, when the symptoms were described to Professor Webster and he was asked to offer an opinion as to what might have caused it he said the symptoms indicated either tetanus or strychnine poisoning with a third alternative, hysteria, and he added that her complaint about having a pain in the chest might have been due to some heart affection which in its turn might have set up the hysteria.

What else is there? Just before going to South Africa, in the early part of 1947, a woman doctor passed her out of the Service as fit, grading her as A.W.I., but with the proviso, "Not for Tropical Service," because of the ear affection which she had. The mother said she had never had asthma. On the matter of character, the mother was determined to hear nothing against her daughter's character, and you respect her for taking that attitude; loyalty to one's own dead child is a strong motive for denying anything which could be set against that dead child's character. But it is here not a matter of her character; it is the matter of her health. It is for you to say, "Who can know the health of a child better than the mother who has borne her, and brought her up; seen her in her growing years; and had the care of her until she became an adult?" She declared that her child had never had asthma in her life. "She had had common colds, and," said the mother, "I advised her to have injections to ward off colds." You will remember on the boat she mentioned to one of the witnesses that she would have to take her injection. It is said that she had a cough. Well, a cough is something which all of us may have at times, is it not? And is it not a symptom of the common cold, and not necessarily of asthma?

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Or you may think, it may be due to too much cigarette smoking but there is no evidence that she indulged too freely in tobacco. Her cousin gave evidence before you, and she said that when she saw her she was perfectly well. Miss Baker said, "I saw her when she was in the Auxiliary Territorial Service about two to two-and-a-half years ago." Miss Field said she seemed well and happy on the night of the 17th of October when she dressed for dinner, and you will remember also that she was very well when Mr Hopwood saw her to her cabin, although she had seemed a bit wheezy, and had said she would have to have an injection, the trouble had something to do with the vocal cords. Mr Hopwood said, "I would not say the wheeziness was very noticeable, I did not notice it more than once." Then he said her nails were sometimes normal in colour, and sometimes muddy coloured. His attention was only drawn to the change in her finger nails once. Had she got asthma? Is it shown on that evidence that she was a victim of asthma, such asthma as would result in a secondary heart affection? If, members of the jury, you think it is not shown that she was suffering from asthma then you will probably come to the conclusion that there was probably no heart affection either resulting from asthma.

Remembering the possible causes of death from natural causes as related by Professor Webster, what, in your own mind, remains? Does much remain? Or are you driven by all the facts in the case as proved before you to the conclusion that death was due to strangulation? So much for the evidence concerning her health. I have dealt with the question of pregnancy, and why that has a bearing on the matter. What remains? There remains the man's evidence. You heard him give it, and you will have received your own impression about him. He is certainly a powerfully built young man, broad shouldered, you may think fairly heavy for his height, and powerful. He has told you in the witness-box what he says happened. Have you any doubt that he went to that cabin *intending* to have sexual intercourse with that young woman? Was there any other reason for his going? Has he not told you himself that when he made that observation about taking a drink down, and being minded to join her with the drink, he intended to suggest what, *according to him*, did happen later on?

Well, now, earlier in the evening had she shown anything which you could construe as an encouragement to him to come to her cabin for that purpose? It is rather important just to look at that. The conversation which he has related I have recounted to you, "I have a good mind to bring a drink down and join you." Then

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he said, "I am not certain of the exact words, I think she said, 'Please yourself, it is up to you.'" Are you satisfied that that is true, even that much, or not? Did she say that? And if she did say it, what do you think? Was it any sort of invitation, or any sort of indication that she was willing to receive him in her cabin for the purpose of sexual intercourse? Later that night, not long before he finished his work, or round about one o'clock, when he began packing up the chairs, he found an alarm clock on the bottle shelf, and he said he thought it might belong to Miss Gibson. He says, "A few seconds after I saw Miss Gibson standing with a glass of rum and I believe, as a matter of fact I did not see, any other passengers on the deck." Was that, in your view, a very obvious moment to see whether, if he attempted to kiss her, that would be received well as a preliminary to what he had in mind later that night? There were no passengers there, was it a moment to make some sort of advance to explore the situation, and to see what reception he might look forward to if he presented himself at her cabin door?

He spoke about the clock. He said, "Don't leave it there; you might lose it," and then, he says, "I left her on the deck." Not a word about coming to her cabin later on. Not a word of warning to her that he was coming. He did not say, "Remember what I said this afternoon about joining you in a drink"—not a word about it. Well, so far do you suppose he had any reason to think (unless it was overweening vanity on his part) that he would be well received in her cabin with a view to having sexual intercourse? He went to the well deck, forward, and then, about two o'clock he went to Cabin 126, he knocked at the door, it was opened by her, and he says she was in a dressing gown. Then he related what he says happened; I will not relate it to you again. He says he sat on the bed, raised the topic of the dance, said it had been dull, and he said he remained in that position for some ten to fifteen minutes. Then he says he climbed on to the bed beside her, and then, after a little of what he called preliminary love play, there was sexual intercourse, with her head in the crook of his left arm, her right arm round his neck, her left hand holding his right arm. Then, he says, "Suddenly she heaved, as if taking a deep breath, and then she relaxed, her right arm tightened"—round his neck, presumably, for he does not say it altered in position—"her left hand gripped tighter." He said, "I did not feel anything hurt, but her grip tightened." That is his account. And then you know the rest: "I got off the bed; she was completely relaxed; I thought she was in a dead faint; there was a faint line of

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bubbles which I assumed were froth just on the edges of the lips, it appeared muddy and blood flecked, I felt her heart, there was no beat, I tried by massaging the stomach upwards towards the heart to bring back circulation."

Now, that would not put him anywhere near the bell pushes. He says, further he had no experience of artificial respiration, but he had seen it done, and he applied it to the best of his knowledge. Presumably all this time she was lying on the bed, and he was standing by the side of the bed trying to revive her. He says he was trying to do that for some twenty to twenty five minutes, and he says, "I know nothing about the bells being rung." Then there came a man to the door, and the prisoner told you that there was a curtain across the door, and he doubted if the man had recognized him. He says, "I was convinced he had seen a man, but I was convinced he did not know who that man was." Then he says "I thought from the touch her body was slightly cooler." On that point the doctors did not tell us what is the immediate post mortem effect on a body, but apparently it was not thought of as being needed. He went on, "I tried further respiration for twenty five minutes, there was no success, I concluded she was dead." And then he said, "I lifted her up and pushed her through the port hole, the body was slack and rather awkward. I returned to my own quarters, I did not disturb anything in the cabin. I returned to my own quarters and nobody noticed me." Nobody noticed him go into his quarters that night, he left that Cabin 126 unobserved, and got to his bunk unobserved.

Now, where do you think the truth lies? When he went to that cabin that night had he had the least indication from that girl that he would be well received, that she wanted him to come? What would you expect? What would you deduce if she had no idea that he was coming, and certainly did not want sexual intercourse? Would you not deduce that she would call on him to leave the cabin, and if he persisted in his advances, what do you expect she would do? Would not her response at once be to ring the bells? Would not that be almost instinctive? You will no doubt have made up your mind whether she did or did not ring those bells. What if she did? Did it matter so much to him not to be found in that cabin, was it capable of so obsessing his mind that he went the length of reflecting on the possibilities of that port hole, and the fact that they were on board ship many miles from land?

You know what was found afterwards. You have been told by the doctors that what was found are the commonplaces of death by strangulation. Do you infer from what was found that he strangled

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her? The things that were found are also commonplaces of death by natural causes in the several ways recounted by Dr. Webster. You have looked at the evidence about her health. Does it support the view that death was from one of those natural causes? Do you think that, judging by the conduct of the man, that death came to that young woman in that cabin, and that his conduct was the conduct of a man faced with the situation (serious as it might be) which he has described; or do you think it was the conduct of a man filled with fear because he was guilty of killing her and filled with the conviction that the body must be got rid of? Do murderers often evince an anxiety to get rid of the body of their victim? You will use your own commonsense and experience, your sound judgment, uninfluenced by anything that I might say. He says he panicked because he was faced with this situation. On the other hand, the prosecution say, what was there more obvious, if there was no act of violence, than for him to leave her there? They say, "You had not been recognized; you only had to choose your moment and slip away; who was there to say you were there, and any doctor would find out at once that she had died from natural causes and violence there had been none?" That is what the prosecution say. He says, "I did not think about these things; it is quite true to say that I destroyed the best evidence in my favour if my story is true," and he says, "It is quite true if I strangled her I destroyed the most deadly evidence against me." "But," he says, "I panicked." Well, that is a matter entirely for you; it is a terrible situation on any view; a startling account, if his story is true. Well, is it true?

You have one other factor. I have dealt with the police evidence; I have dealt with the evidence about her health, and the other possible causes of death, the possible cause of death by strangulation; is there anything else that we know of, that we can be certain of, from which a deduction can be made, which will lead, when we couple it with the other evidence, with the other matters, to a reasoned conclusion? What view have you formed about the scratches? Those scratches, deep scratches some of them, on the right arm of the man? Mr. Casswell opened his case to you by suggesting that they might have been caused by the digging in of the nails of the deceased in the death spasm when she died of heart failure. What did the doctor who actually saw them within a few hours say about them? He said that they were digging and dragging, and dragging across the wrist, also part of the forearm, dragging down towards the ball of the thumb—dragging and digging. He saw them, and he said they were across the right wrist,

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running towards the base of the thumb, and he said that there were nine to twelve separate scratches

Now, you know, Dr Hocking said that when those scratches were inflicted there was an infliction of pain, the scratches on the forearm were far too deep to be insignificant if there was digging and drawing, and, he said, "I think they were dug fairly deep into the flesh." That was Dr Hocking's view, and he was a witness called for the defence, and I think it was he who said that at the time when the scratches were inflicted there would be pain. The defendant says, "My explanation of these scratches is they were self-inflicted, I did them." That is his positive account of the scratches, that is as positive as is the rest of his evidence. Now, if they were drawn across the wrist, dragging and digging, do you think you would expect to find them there in that position and in that direction in the case of death by strangulation? Professor Webster says that from what appears now in the photograph they appear to be higher up the arm than he would expect to find scratches made by a person striving to release herself from the grip of the hand of the strangler. That is a perfectly fair observation. But it must be noted that you can only see some of the scratches in the photograph. The doctor who saw them very soon after said they were drawn down towards the ball of the thumb, said some were more superficial than the others. Professor Webster said that in the case of scratches made by a victim of strangulation he would expect to find them at the base of the thumb. The doctor who saw them tells you they were drawn down towards the base of the thumb. This man says, "I did these scratches. I say I received no injury. Her grip tightened on my arm, but I received no injury in that cabin that night." Well, do you believe that? Is he telling you the truth about it? It is a matter entirely for you. But, if you think he is lying about it, you may think it is because he is sensible that those scratches were inflicted by the dead woman in endeavouring to tear his hand from her throat. If you believe he inflicted them himself you may think the whole of his story is true. But if you do not believe him in that you may think on the whole of the evidence that they were inflicted by that dead woman at the time when she was at the very gate of death in an endeavour to free her throat from the strangler's hand.

There is one little piece of evidence which may have a bearing on that matter of the scratches, and it was given by one of the crew of the ship. The next morning when he was at work in the early hours of the 18th of October this man was seen to be wearing his white coat, and kept it on for his work, a white coat with long

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sleeves; long sleeves, coming down, apparently, over where these scratches were situated. You have seen what was left of those scratches by the time the photograph was taken. He was wearing his white coat with sleeves when the ship was still in tropical waters, the morning after the incidents in that cabin, when you might think there was a good deal more there, indeed, you may possibly think there was so much there that it might very well have excited curiosity, and possibly even questions, if it had been apparent.

Members of the jury, it is said (what was not observed by Dr. Montgomery) that there was urine on the top sheet—the top sheet. The prisoner says, “She died when I was on top of her.” Is that true? Mr. Roberts has pointed out that if he was on top of her, having just completed sexual intercourse, he would be between her legs, and the terminal act, according to the doctors would be the evacuation of her bladder, a discharge of urine. If his story is true you would expect, would you not, that a considerable portion, if not all, would have been received by him upon his clothing; some, indeed, might have gone on the undersheet, but how could any have gone on the top sheet? You may think that much did get on to the top sheet because Dr. Hocking found a stain as large as 15 inches by some six to eight inches, so you may think it right to ask yourselves, “How could that have got on to the top sheet if he was on top of her as he says he was?” Do you think he is telling you the truth about that?

He accounted for the several occasions when he lied, before making what he says is a true statement to the police, by saying that those lies were the instinctive acts of self-preservation. Well, you may think it right to scrutinize his evidence with great care when he gives it to you in the witness-box in his own defence. I say that because this is a case where we are trying a capital charge without there having been any body found, or available for examination.

Now this is my last topic. Do you believe Miss Field, the stewardess? This man says, “When I got there she was wearing a dressing gown: there was nothing on underneath it.” If that is true, and if Miss Field is truthful and honest, where are the black pyjamas? If Miss Field is honest she did not steal them. He denied that she had any pyjamas on. He says she was naked underneath the dressing gown. Is that a mistake made in a small detail by a man who is lying; or is it true? Miss Field told you that the deceased wore black pyjamas. She did not see her undress that night, but she knew that she had black pyjamas. In the morning



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two things were missing, her dressing gown, and the black pyjamas. Is the fact this—that they were on and underneath that dressing gown, and that they were never seen by this man because he never got as far as sexual intercourse, and because they were covered by the dressing gown, and he killed her in that position, and when he pushed her through the port hole he did not observe them because of the length of the dressing gown. Is that it? Or is he telling you the truth, and are the black pyjamas just missing articles, the disappearance of which is unexplained? There is the whole matter, members of the jury. All these matters are entirely for your consideration. Remember, it is not for him to prove his innocence, it is for the prosecution to prove his guilt. Have they done so, in your opinion and judgment? If they have, the right verdict is Guilty. If they have left you, on the whole of the evidence, in reasonable doubt, the right verdict is Not Guilty. Please consider your verdict.

Mr CASSWELL—With respect, my lord, you did not mention the bolting of the door.

Mr JUSTICE HILBERY—I have not attempted to mention all the points in the case. My duty is to point out the salient features of the case, or those which I think may be a guide to you. There are others which no doubt you will think useful, in fact, there are many other matters, and if you think they are useful give them all the weight you think it is right. I have not attempted to mention everything, and I am not bound to do so.

(The jury retired to consider their verdict at 6.25 p.m., and returned to Court, having agreed, at 7.10 p.m.)

The CLERK OF ASSIZE—Members of the jury, are you all agreed upon your verdict?

The FOREMAN—Yes.

The CLERK OF ASSIZE—Do you find the prisoner at the bar, James Camb, guilty or not guilty?

The FOREMAN—Guilty.

The CLERK OF ASSIZE—You find him guilty of murder, and that is the verdict of you all?

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The FOREMAN—Yes.

The CLERK OF ASSIZE—James Camb, you stand convicted of murder; have you anything to say why the Court should not give you judgment of death according to law?

The PRISONER—My lord, at the opening of this case I was asked to plead guilty or not guilty; I pleaded not guilty, and I repeat that statement now.

Mr. JUSTICE HILBERY—James Camb, the sentence of the Court upon you is that you be taken from hence to a lawful prison, and thence to a place of execution and that you there be hanged by the neck until you be dead, and that your body be buried within the precincts of the prison within which you shall last have been confined before your execution, and may the Lord have mercy upon your soul.

The SHERIFF'S CHAPLAIN—Amen.

# Appendix I.

## APPENDIX I LIST OF EXHIBITS

EXHIBIT NO.	DESCRIPTION.
1.	Plan of Cabin 126.
2.	Port-hole.
3.	Photograph of palm print.
4.	Photograph of deceased.
5.	Album of Photographs.
6.	Palm impression of accused's left hand.
7.	Comparative photograph of Exhibits 3 and 6.
8.	Bell push panel.
9.	Letter to Captain Patey signed by accused, dated 19th October, 1947.
10.	Letter to Captain Patey signed by accused, dated 19th October, 1947.
11.	Certificate of Registry of <i>Durban Castle</i> .
12.	Deck plan of <i>Durban Castle</i> .
13.	Bed.
14.	Top pillow.
15.	Bottom pillow.
16.	Bottom sheet.
17.	Top sheet.
18.	Hair.
19.	Phial containing fibres.
20.	Hair brush.
21.	Three lipsticks.
22.	Powder box.
23.	Two pots of boot polish.
24.	Statement of accused, dated 25th October, 1947.
25.	Consent signed by accused.
26.	Two pairs of shoes.
27.	Three phials containing hair.
28.	Alarm clock.
29.	Contraceptive.
30.	Army Form W/3149.
31.	South African Press notices.

# James Camb.

## APPENDIX II

REX v CAMB

COURT OF CRIMINAL APPEAL

Monday, 26th April, 1948,

before

THE LORD CHIEF JUSTICE OF ENGLAND (LORD GODDARD)

Mr JUSTICE HUMPHREYS, and

Mr JUSTICE PRITCHARD

Mr J D CASSWELL, K C, and Mr J T MOLONY appeared for the Appellant.

Mr G D ROBERTS, K C, and Mr HENRY ELAM appeared for the Crown

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## JUDGMENT

The LORD CHIEF JUSTICE—The appellant in this case was convicted before Mr Justice Hilbery at the last Assizes for the County of Hampshire of the murder of a young woman of the name of Gibson, who disappeared from the liner *Durban Castle* on a voyage from South Africa to this country on the night of the 18th October. The prisoner was a deck steward on this ship, and he was charged with her wilful murder.

The facts were that the young woman was last seen alive by anybody other than the prisoner about one o'clock in the morning, she was seen on deck by the boatswain's mate. Somewhere about three o'clock in the morning the bells which are provided in the cabins for the summoning of either the steward or stewardess were rung, and it is perhaps not immaterial to notice that both bells were rung. That caused the night watchman, whose duty it was to go to any cabin in which the passenger was summoning assistance, or help or attendance, whatever it

## Appeal Judgment.

might be, to go to the cabin, and he would have reached the cabin, it is true, in quite a short time, it might be a minute and more seconds or it might be done if he ran, I suppose, in less than a minute, but at any rate an appreciable time elapsed between the ringing of the bell and the watchman getting outside the cabin.

The light was on in the cabin, and the watchman turned the handle of the door. Immediately, his entry was stopped by a man, and that man was the prisoner—there is no doubt of that—and he told Steer, the watchman, "It is all right." That man had been detected in this first-class passenger's cabin, no doubt a very serious thing for him, but he was detected there, and he was in this position, that if he knew he was detected, that is to say, if he knew that Steer had recognized him he was in the position that he knew it was inevitable that he would be reported and he would lose his job, no doubt a serious matter to lose his job but not such a serious matter as to put himself in the position of being tried for murder. On the other hand, if he thought that he was not recognized, it would be the simplest thing in the world for him as soon as the coast was clear to go back and nobody would then know he was in the cabin. He did not do that. On his own confession, that night he pushed that girl's body through the port-hole into a shark-infested sea, and the question that was submitted at the trial was this: On the part of the prosecution it was said: "The circumstances found afterwards point to that girl having died from strangulation. The circumstances show that you, Camb, went to the cabin, as you yourself admit, for the purpose of having sexual intercourse with that girl. In the course of that, you strangled her. She rang for help, and the inference is that she rang because your attentions were unwelcome." It may be she had invited him to her cabin and changed her mind, as women have been known to do; it may be she invited him not expecting he would go to the lengths he did and she rang for help.

His answer was: "I went to the cabin at her invitation, expecting and intending to have sexual intercourse with her and I had sexual intercourse with her. She was so ready for it that she was naked except for her dressing gown; she had not even pyjamas on." One very remarkable fact is that her pyjamas disappeared. If they were on her body when it was put through the port-hole, that goes far to show that she was not willing to have sexual intercourse with him in the way he said, but he said she was willing, "not only was she willing, but I had sexual intercourse with her and she died in my arms of natural causes." Why, then, did he push her body through the port-hole?

As I have already said, he was detected in her cabin. If he thought he was not recognized, there lay that body of the girl on her bed dead from natural causes. He could have slipped back to his quarters, and

## James Camb

if he had not been recognized nobody would have known. If, on the other hand, he knew he had been recognized, at any rate if his story was true that there were no marks of strangulation and she died of natural causes, though he might have lost his job it would have been a very small matter compared with being suspected of murder. He destroyed the one piece of evidence against him. That was the case put to the jury.

The two important points that stand out are: Who rang the bell and why was it rung? The second is: Why was the body pushed through the port hole? Whether she died a natural death, or whether she died an unnatural death, there was evidence on both sides. The doctors could only give an opinion from such indications as they could gather from the urine on the bed and the account given of the woman's health and so forth. If she died a natural death, what reason was there for concealing the body in the way that was done? If she died an unnatural death, was not there every reason why the body should be disposed of in the way it was? Those were matters for the jury and, as I have occasion to say nearly every time this Court sits, this Court does not sit to re-try cases thereby usurping the functions of the jury, we sit as a Court of Appeal, and if there has been no mis-direction, no mistake in law and no mis-reception of evidence—and no one would suggest here there was not a case to go to the jury—we cannot upset the verdict of the jury.

I say in this case that it seems to me there was evidence, what might almost be described as overwhelming evidence, on which the jury could arrive at the conclusion they did, but it is said here that the learned judge did not put the defence fairly to the jury. Undoubtedly the learned judge's summing up was not favourable to the prisoner, no one would contend that it was, but I will read a few words from a judgment given in this Court by Mr Justice Channell in the year 1909 very soon after this Court was set up, which show the view which is taken of how a judge may express his own opinion in the course of a case, the words are from the case of *R v Cohen*, 2, Criminal Appeal Reports, page 208.

In our view a judge is not only entitled, but ought, to give the jury some assistance on questions of fact as well as on questions of law. Of course, questions of fact are for the jury and not for the judge, yet the judge has experience on the bearing of evidence and in dealing with the relevancy of questions of fact and it is therefore right that the jury should have the assistance of the judge. It is not wrong for the judge to give confident opinions upon questions of fact. It is impossible for him to deal with doubtful points of fact unless he can state some of the facts confidently to the jury. It is necessary for him sometimes to express extremely confident opinions. The mere finding, therefore, of very

## Appeal Judgment.

confident expressions in the summing-up does not show that it is an improper one. When one is considering the effect of a summing-up, one must give credit to the jury for intelligence, and for the knowledge that they are not bound by the expressions of the judge upon questions of fact."

In this case the prisoner had the advantage of an able and sustained defence. There was abundant evidence on which the jury could find as they did and there was no mis-direction by the learned judge.

There is one other word I have to add, and that is that the learned judge did not give a definition of murder to the jury. That was incidentally mentioned by Mr. Casswell, and the learned judge has made a short report to the Court on that point. The reason why the learned judge thought it unnecessary and why in fact it was unnecessary to give a definition in this case, was that nobody contended that if the case for the prosecution was right the case was not one of murder or that it ought to be reduced to manslaughter. The case simply was: Did this woman die of strangulation or did she die a natural death? There is no ground for interfering in this case at all and the appeal is dismissed.